



## **NOTICE OF TELECONFERENCE BOARD MEETING**

### **Board Members**

David Paris, D.C., Chair  
Laurence Adams, D.C., Vice Chair  
Rafael Sweet, Secretary  
Janette N.V. Cruz  
Pamela Daniels, D.C.  
Claudia Sandino, D.C.

**The Board of Chiropractic Examiners (Board) will meet by teleconference on:**

**Thursday, July 20, 2023**

**9:00 a.m. to 4:00 p.m.**

(or until completion of business)

**Teleconference Instructions:** The Board will hold a public meeting via Webex Events. 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=m19aab50ba294cac38375b2bac035bfd9>

### **If joining using the link above**

Webinar number: 2491 202 2319

Webinar password: BCE07202023

### **If joining by phone**

+1-415-655-0001 US Toll

Access code: 249 120 22319

Passcode: 22307202

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](mailto:XXXXX@mailinator.com).

**Note:** Members of the public may also submit written comments to the Board on any agenda item by Monday, July 17, 2023. Written comments should be directed to [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) for Board consideration.

**Primary Teleconference Meeting Location**

**Department of Consumer Affairs  
El Dorado Room  
1625 N. Market Blvd., Suite N-220  
Sacramento, CA 95834**

**Additional Teleconference Meeting Locations**

4100 W. Alameda Avenue  
Third Floor  
Burbank, CA 91505

1165 Park Avenue  
San Jose, CA 95126

101 Andrieux Street  
Sonoma, CA 95476

6955 Lake Nona Boulevard  
Orlando, FL 32827

**The Board may take action on any agenda item listed on this agenda,  
including information-only items.**

**AGENDA**

- 1. Open Session – Call to Order / Roll Call / Establishment of a Quorum**
- 2. 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 Board 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).]
- 3. Board Chair’s Report**
- 4. Update on the Department of Consumer Affairs (DCA) by the DCA Office of Board and Bureau Relations**
- 5. Review and Possible Approval of January 20, 2023, April 20, 2023, and May 10, 2023 Board Meeting Minutes**
- 6. Review and Possible Ratification of Approved Doctor of Chiropractic License Applications**
- 7. Review and Possible Ratification of Approved Continuing Education Provider Applications**

**8. Executive Officer's Report and Updates on:**

- A. Administration, Continuing Education, Enforcement, and Licensing Programs
- B. Business Modernization Project and Implementation of Connect System
- C. Status of Board's Pending Regulatory Proposals
- D. Board's 2022–2026 Strategic Plan Objectives
- E. Board's Budget and Fund Condition

**9. Licensing Committee Report**

- Committee Chair's Update on May 12, 2023 Meeting

**10. Enforcement Committee Report**

- A. Committee Chair's Update on June 8, 2023 Meeting
- B. Review, Discussion, and Possible Action on Committee's Recommendation Regarding Regulatory Proposal Concerning Discipline Against Licensees by Other Jurisdictions and Licensee Reporting of Convictions, Disciplinary Actions, and Other Violations to the Board (amend California Code of Regulations [CCR], Title 16, sections 304 and 314)
- C. Review, Discussion, and Possible Action on Committee's Recommendation Regarding Regulatory Proposal Concerning Continuing Education Requirements for Petitions for Reinstatement of Revoked or Surrendered Licenses (amend CCR, Title 16, section 365)

**11. Government and Public Affairs Committee Report**

- Committee Chair's Update on June 16, 2023 Meeting

**12. Review, Discussion, and Possible Action on Legislation Related to the Board, the Chiropractic Profession, DCA, and/or Other DCA Healing Arts Boards**

- A. [Assembly Bill \(AB\) 765 \(Wood\)](#) Physicians and surgeons: medical specialty titles.
- B. [AB 796 \(Weber\)](#) Athletic trainers.
- C. [AB 814 \(Lowenthal\)](#) Veterinary medicine: animal physical rehabilitation.
- D. [AB 883 \(Mathis\)](#) Business licenses: United States Department of Defense SkillBridge program.
- E. [AB 996 \(Low\)](#) Department of Consumer Affairs: continuing education: conflict-of-interest policy.
- F. [AB 1028 \(McKinnor\)](#) Reporting of crimes: mandated reporters.
- G. [AB 1707 \(Pacheco\)](#) Health professionals and facilities: adverse actions based on another state's law.
- H. [Senate Bill \(SB\) 372 \(Menjivar\)](#) Department of Consumer Affairs: licensee and registrant records: name and gender changes.
- I. [SB 447 \(Atkins\)](#) GO-Biz.
- J. [SB 544 \(Laird\)](#) Bagley-Keene Open Meeting Act: teleconferencing.
- K. [SB 802 \(Roth\)](#) Licensing boards: disqualification from licensure: criminal conviction.

### 13. Future Agenda Items

Note: Members of the Board and the public may submit proposed agenda items for a future Board meeting. However, the Board 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.]

### 14. Closed Session – The Board Will Meet in Closed Session to:

- Deliberate and Vote on Disciplinary Matters Pursuant to Government Code Section 11126, subd. (c)(3)

### 15. Adjournment

This agenda can be found on the Board's website at [www.chiro.ca.gov](http://www.chiro.ca.gov). The time and order of agenda items are subject to change at the discretion of the Board Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

The Board plans to webcast this meeting at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please attend the meeting via Webex Events. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board 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 Board, but the Board 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 Board to discuss items not on the agenda; however, the Board 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)).

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](mailto:chiro.info@dca.ca.gov)

**Telecommunications Relay Service:** Dial 711

**Mailing Address:**

Board of Chiropractic Examiners

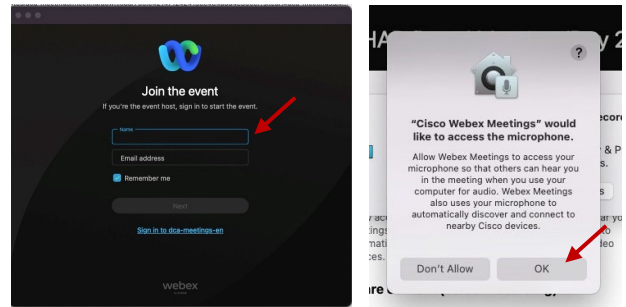
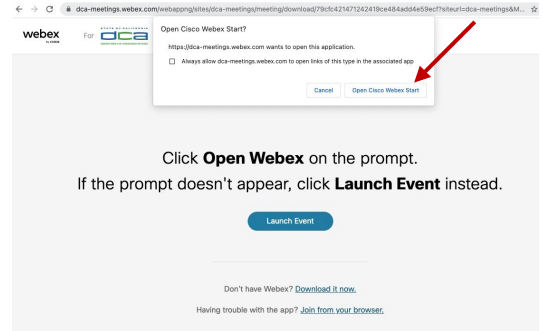
1625 N. Market Blvd., Suite N-327

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.

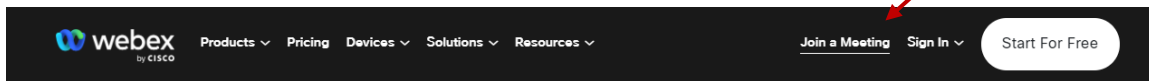


\* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

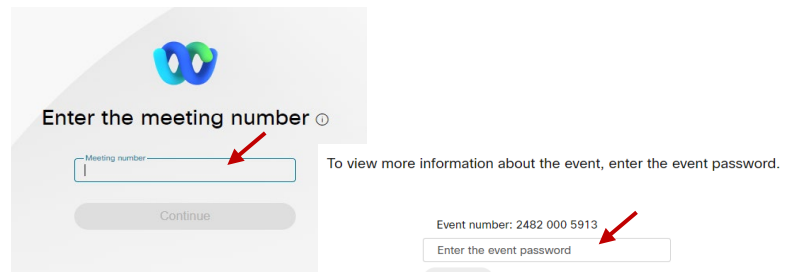
OR

## If joining from Webex.com

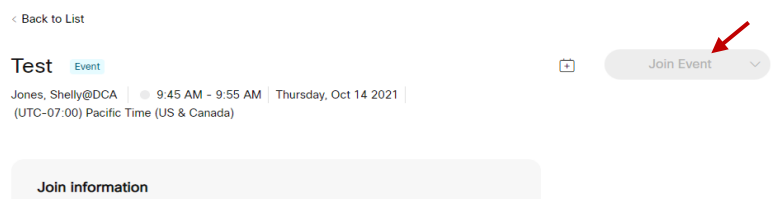
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



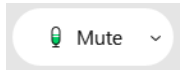
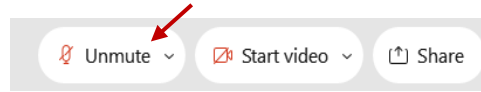
OR

## Connect via telephone\*:

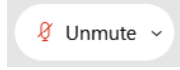
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

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

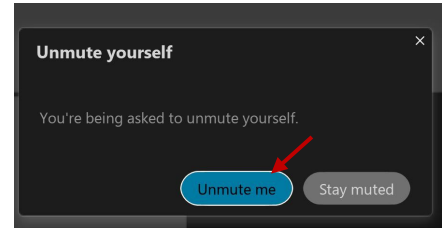


Green microphone = Unmuted: People in the meeting can hear you.



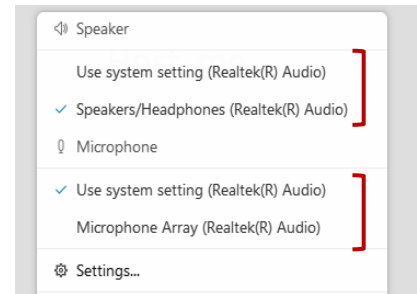
Red microphone = Muted: No one in the meeting can hear you.

*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".*



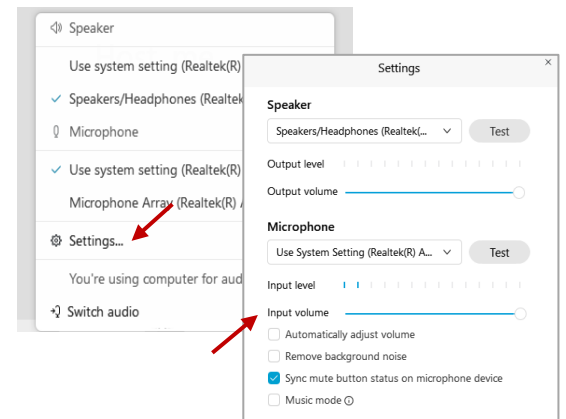
### If you cannot hear or be heard

- 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

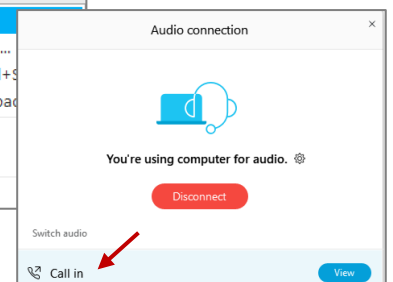
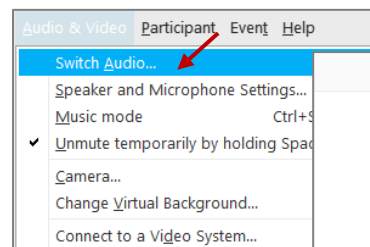
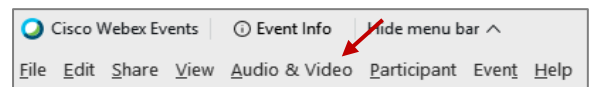
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on "Settings...":
  - Drag the "Input Volume" located under microphone settings to adjust your volume.



### 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.



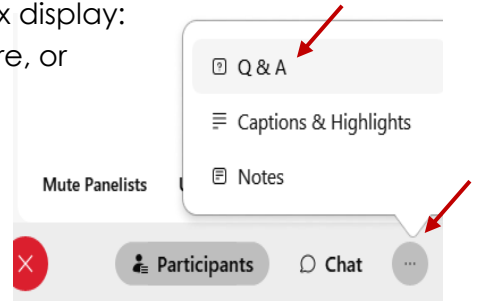
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

*NOTE: This feature is not accessible to those joining the meeting via telephone.*

### Q&A Feature

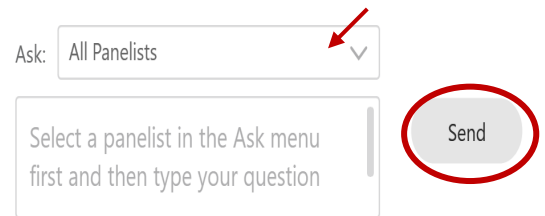
1 Access the Q&A panel at the bottom right of the Webex display:

- 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

### Hand Raise Feature

- 1
- Hovering over your own name.
  - Clicking the hand icon that appears next to your name.
  - Repeat this process to lower your hand.

If connected via telephone:

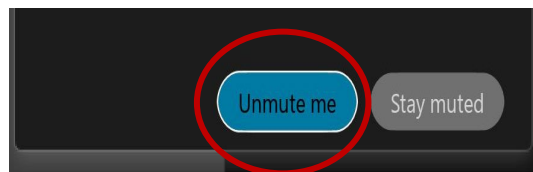
- Utilize the raise hand feature by pressing \*3 to raise your hand.
- Repeat this process to lower your hand.

### Unmuting Your Microphone



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.

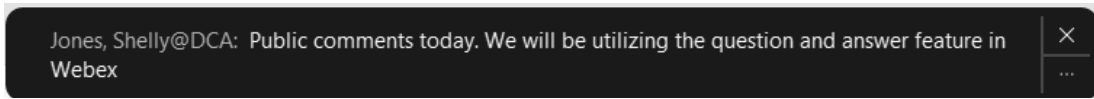


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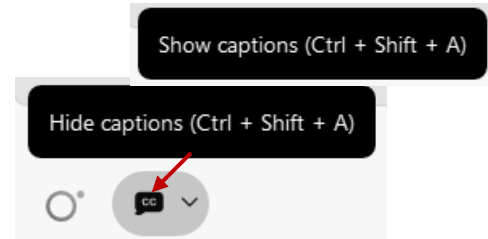
If connected via telephone:

- Press \*3 to unmute your microphone.

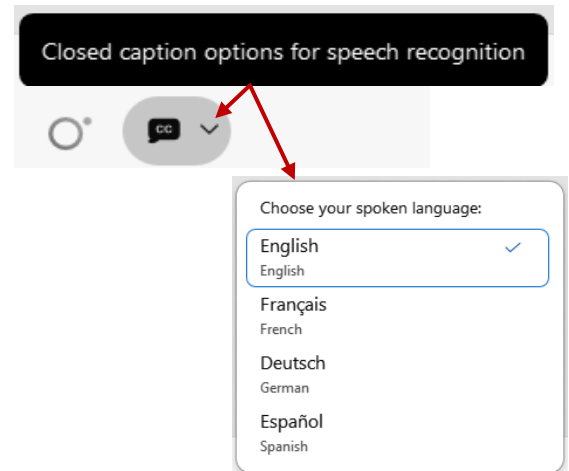
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



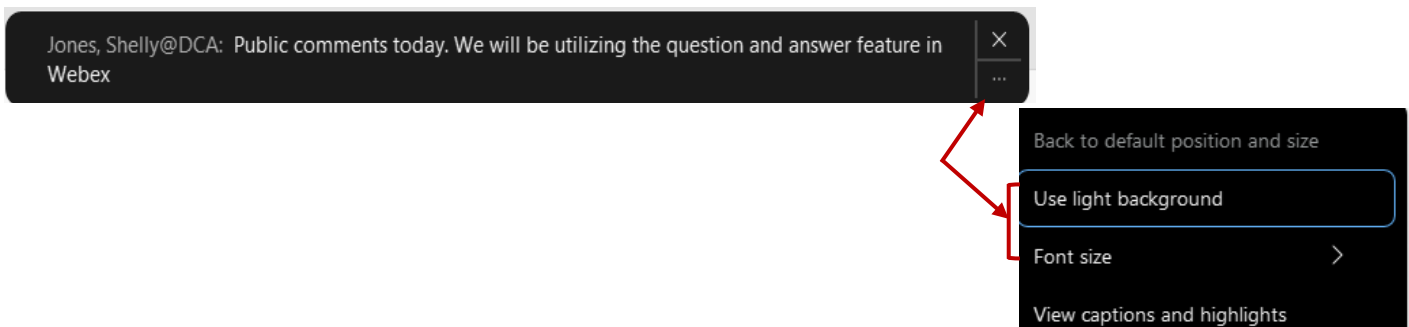
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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  
July 20, 2023**

**Open Session – Call to Order / Roll Call / Establishment of a Quorum**

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**Purpose of the Item**

David Paris, D.C., Chair of the Board of Chiropractic Examiners, will call the meeting to order. Roll will be called by Board Secretary Rafael Sweet.

**Board Members**

David Paris, D.C., Chair  
Laurence Adams, D.C., Vice Chair  
Rafael Sweet, Secretary  
Janette N.V. Cruz  
Pamela Daniels, D.C.  
Claudia Sandino, D.C.



**Agenda Item 2**  
**July 20, 2023**

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## **Public Comment for Items Not on the Agenda**

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### **Purpose of the Item**

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

The Board 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 3  
July 20, 2023**

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**Board Chair's Report**

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**Purpose of the Item**

Board Chair David Paris, D.C. will provide an update to the Board on recent activities and outreach opportunities.

**Action Requested**

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



**Agenda Item 4**  
**July 20, 2023**

**Update on the Department of Consumer Affairs (DCA) by the DCA Office of  
Board and Bureau Relations**

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**Purpose of the Item**

Judie Bucciarelli from the DCA Office of Board and Bureau Relations will provide the Board with an update on DCA programs and activities.

**Action Requested**

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



**Agenda Item 5  
July 20, 2023**

**Review and Possible Approval of January 20, 2023, April 20, 2023, and  
May 10, 2023 Board Meeting Minutes**

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**Purpose of the Item**

The Board will review and possibly approve the draft minutes of the previous meetings held on January 20, 2023, April 20, 2023, and May 10, 2023.

**Action Requested**

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

**Attachments**

1. January 20, 2023 Board Meeting Minutes (Draft)
2. April 20, 2023 Board Meeting Minutes (Draft)
3. May 10, 2023 Board Meeting Minutes (Draft)



## BOARD OF CHIROPRACTIC EXAMINERS MEETING MINUTES

January 20, 2023

In accordance with the statutory provisions of Government Code section 11133, the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on January 20, 2023.

### Board Members Present

David Paris, D.C., Chair  
Laurence Adams, D.C., Vice Chair  
Rafael Sweet, Secretary (arrived at 10:52 a.m.)  
Janette N.V. Cruz  
Pamela Daniels, D.C.

### Staff Present

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

### 1. Open Session – Call to Order / Roll Call / Establishment of a Quorum

Dr. Paris called the meeting to order at 9:00 a.m. Dr. Paris noted that Mr. Sweet will be joining the meeting in a few hours. Dr. Adams called the roll. All members except Mr. Sweet were present, and a quorum was established.

### 2. Public Comment for Items Not on the Agenda

**Public Comment:** Falkyn Luouxmout, a student intern, noted that he submitted a public comment with a request for a rule change regarding a patient encounter with no subluxation present and no adjustment. He also stated he found ICD-10 code Z03.89 for an encounter for observation for other suspected diseases and conditions ruled out, but could not find an equivalent code for chiropractic.

### 3. Board Chair's Report

Dr. Paris updated the Board on a presentation that he provided to students at Palmer College of Chiropractic West on January 11, 2023, about the practice of chiropractic and its place in healthcare, the pathway to licensure as a doctor of chiropractic in California, and how to avoid pitfalls during licensure. He expressed that the presentation

was well-received, and he hopes the Board has the opportunity for similar outreach at the other chiropractic colleges.

Dr. Paris recognized the hard work, dedication, and commitment of the Board members and staff to make significant progress on pending regulatory proposals and process improvements. He added that the Board has done a great job of engaging with stakeholders and taking meaningful action based on their feedback.

Dr. Paris also shared that the Board was invited to present at the California Chiropractic Association's annual Legislative Day, and he is pursuing opportunities for engagement and outreach with other chiropractic licensing boards. He also acknowledged and thanked the Board members for their public service and efforts in developing the Board's 2022–2026 Strategic Plan.

**Public Comment:** Falkyn Luouxmout reiterated that he was referring to ICD-10 code Z03.89 during his prior comment.

**Moved to Agenda Item 5. Review and Possible Approval of October 26-27, 2022 Board Meeting Minutes**

**Motion:** Dr. Adams moved to approve the minutes of the October 26-27, 2022 Board meeting.

**Second:** Dr. Daniels seconded the motion.

**Public Comment:** None.

**Vote:** 4-0 (Dr. Paris-AYE, Dr. Adams-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

**Motion:** Carried.

**6. Review and Possible Ratification of Approved Doctor of Chiropractic License Applications**

**Motion:** Ms. Cruz moved to ratify the approved doctor of chiropractic license applications.

**Second:** Dr. Adams seconded the motion.

**Public Comment:** None.

**Vote:** 4-0 (Dr. Paris-AYE, Dr. Adams-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

**Motion:** Carried.

## **7. Review and Possible Ratification of Approved Continuing Education Provider Applications**

Dr. Daniels asked if the application by Andrew Osborne is a new application or biennial renewal application because neither box was checked. Ms. Walker confirmed it is a new application.

Ms. Cruz noted a typographical error on Andrew Osborne's application where his name is listed two different ways and asked if it is normal for there to be multiple people identified as the oversight contact. Ms. Van Allen replied that some providers have multiple people who handle that function.

**Motion: Dr. Adams moved to ratify the continuing education provider applications.**

**Second: Ms. Cruz seconded the motion.**

Dr. Paris asked if staff will make the necessary corrections to the typographical error on Andrew Osborne's application. Ms. Walker responded affirmatively.

**Public Comment:** None.

**Vote: 4-0 (Dr. Paris-AYE, Dr. Adams-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

**Moved to Agenda Item 10. Executive Officer's Report and Updates on:**

- A. Administration, Continuing Education, Enforcement, and Licensing Programs
- B. Board's Budget and Fund Condition
- C. Business Modernization Project and Implementation of Connect System
- D. Status of Board's Pending Regulatory Proposals

Ms. Walker provided an update on the status of the Board's pending regulatory proposals and stated that staff recently completed the Board's 2023 rulemaking calendar for submission to the Office of Administrative Law (OAL). She explained that the development of the rulemaking calendar involved reviewing the Board's pending proposals and setting targets throughout the year for addressing them. She noted the Board now has 19 pending regulatory proposals, including: actions under California Code of Regulations (CCR), title 16, section 100 to update the licensing and regulatory fee amounts within the Board's regulations and to repeal the Board's sponsored free health care events regulations based on the fact that the underlying statutory authority was repealed; and a proposal to collect licensee telephone numbers and email



addresses for the Board's directory, as required by Senate Bill 1434 (Roth, Chapter 623, Statutes of 2022).

Ms. Walker shared that staff has continued working on enhancing the user experience within the Connect system and has been documenting the functional requirements for the continuing education portion of the system. She indicated that the release date for the user enhancements to the system is dependent upon the vendor's completion of the cashiering functionality and is estimated to occur in February 2023.

Ms. Walker also noted staff is working on improvements to the reporting of licensing statistics with a goal of moving beyond reporting just the volume of applications processed and, instead, providing meaningful data broken down by licensing population, years of licensure, and geographic areas, along with timeframes for completion of licensing processes.

Dr. Daniels asked for more information regarding the proposal to repeal the Board's sponsored free health care regulations. Ms. Walker explained that the underlying statutory authority for those regulations was repealed effective January 1, 2018, so those regulations no longer have any effect; therefore, staff is preparing the necessary documentation to submit to OAL to repeal those regulations.

Dr. Paris suggested expanding the reporting of information on probationers to include a breakdown of the remaining time left in their probationary periods. He also asked for additional information regarding the increase in non-jurisdictional complaints. Ms. Walker replied that since the Board launched the new online complaint form, there has been a noticeable increase in non-jurisdictional complaints, particularly driven by people filing online complaints intended for other state chiropractic boards. She stated staff directs the complainant to the appropriate resource and closes the complaint as non-jurisdictional. She also noted that non-jurisdictional billing disputes fall within that complaint category. Dr. Paris asked what direction is provided to the public in those cases. Ms. Walker replied that staff educates the complainants on the Board's jurisdictional limits and refers them to resources such as the DCA's small claims court guide for monetary disputes.

Dr. Paris asked for clarification regarding the unlicensed practice complaint category. Ms. Walker explained the majority of the complaints within that category involve licensees who have disclosed on a restoration application that they practiced while their license was expired, and a small percentage of those complaints involve unlicensed individuals who are suspected of practicing chiropractic.

Dr. Adams commended Ms. Walker and the Board staff on their accomplishments in the past year.

**Public Comment:** None.

### **Returned to Agenda Item 9. Presentation on the Legal Process for Disciplinary Actions by the Office of the Attorney General Licensing Section**

Deputy Attorney General Lisa Miller, the Board's liaison from the Attorney General's Office, provided the Board with a presentation on the disciplinary process, including the powers of the Board, the role of the Attorney General's Office, the burden of proof in administrative proceedings, petitions to compel an examination or obtain an interim suspension order, criminal court appearances by the Attorney General's Office on behalf of the Board, and disciplinary outcomes and penalties.

Dr. Paris emphasized how CCR, title 16, section 314 imposes a duty on licensees to report any violation of the Board's laws and regulations. He also shared recent difficulties with soft admissions because when a former licensee petitions the Board for reinstatement of their license, they will deny that the conduct occurred. He asked if Ms. Miller had any guidance on that issue. Ms. Miller explained that soft admissions are still deemed an admission, so it would be disingenuous for a petitioner to claim otherwise before the Board.

Dr. Daniels asked if there is anything the Board can do while investigating an allegation of sexual misconduct to prevent that from happening to others. Ms. Miller explained a criminal court appearance under Penal Code (PC) section 23 would be the preferred option in circumstances where the licensee has been arrested and charged. She also stated the Board may be able to petition for a mental evaluation of the licensee. Dr. Daniels asked about the requirements or level of evidence to compel an examination and who are the health professionals performing the examination and making the determination. Ms. Miller explained that the examinations are requested when there is a situation that is concerning enough to call into question the licensee's mental fitness to practice and the licensee is ordered to appear before a health professional who possesses the necessary accreditation and skill to perform the examination and render a report to the Board.

**Public Comment:** None.

### **Returned to Agenda Item 8. Update on the Department of Consumer Affairs (DCA) by the DCA Office of Board and Bureau Relations**

Ms. Walker shared the following report on behalf of the DCA Office of Board and Bureau Relations:

- New DCA Staff: Last fall, Governor Newsom appointed leaders to the DCA Office of Board and Bureau Relations. Melissa Gear is serving as Deputy Director and Yvonne Dorantes is serving as Assistant Deputy Director. Kathleen Nicholls was also appointed as Chief of the Division of Investigation and sworn in on December 5, 2022.

- DCA Diversity, Equity, and Inclusion (DEI) Steering Committee: DCA established its first DEI steering committee to guide DCA's equity strategy, initiatives, and action plans. The committee will concentrate on finding and keeping diverse talent, actively educating leaders and employees to raise awareness and foster an inclusive culture, and being sensitive to the diverse backgrounds and perspectives of consumers, applicants, and licensees.
- Strategic Planning: To more effectively advance equity and drive outcomes that increase opportunity for all, strategic plans for July 2023 and beyond must be developed or updated in accordance with Governor Newsom's executive order. DCA is revising its strategic planning processes to include more inclusive public engagement, data analysis, and the incorporation of DEI into strategic planning.
- New Strategic Plan and Logo: DCA released its new strategic plan in November 2022 and officially transitioned to a new logo on January 3, 2023. The new logo will be implemented gradually throughout 2023. Existing items with the previous DCA logo are still valid during the transition and do not need to be replaced or updated.
- Board Member Travel: All state travel arrangements must be made through DCA's authorized travel agency, CalTravelStore or Concur. When traveling by air on official state business, all board members and staff must use the most economical fares possible.
- Required Board Member Trainings: Board members must complete Board Member Orientation Training (BMOT) within the first year of appointment or reappointment, ethics training within six months of appointment and every two years thereafter, sexual harassment prevention training within the first year and every two years thereafter, and defensive driver training within the first year and every four years.

**Public Comment:** None.

### **Moved to Agenda Item 11. Review, Discussion, and Possible Action on Staff's Action Plan to Achieve the Board's 2022–2026 Strategic Plan Objectives**

Ms. Walker explained that throughout 2023, the Board worked with DCA's SOLID Training and Planning Solutions on the development of its new strategic plan, beginning with the surveys of stakeholders and staff and interviews with Board members that were compiled into an environmental scan. She stated in August 2022, SOLID facilitated a strategic planning session where the Board identified 19 specific objectives within five goal areas, and on October 27, 2022, the Board adopted its 2022–2026 Strategic Plan.

Ms. Walker shared that in November and December 2022, staff participated in three action planning sessions with SOLID where staff identified the specific tasks and actions

that must be taken to achieve each of the objectives within the strategic plan and the responsible parties and target completion dates for those actions. She asked the Board for any feedback on staff's draft action plan.

Dr. Paris commented that the action plan is detailed and captures the ideas and concepts that were discussed by the Board with appropriate completion timeframes. Dr. Adams concurred with Dr. Paris.

Ms. Cruz expressed that the information is well-organized and asked how Board members would be updated on staff's progress. Ms. Walker replied that staff will be implementing regular monthly reports to Board members with a tracking tool that will identify the status of each action.

Mr. Sweet thanked staff for their hard work on the action plan and asked if the oversight of the internal organization should be assigned to the full Board, rather than the Government and Public Affairs Committee. Ms. Walker replied that the Committee will serve as the channel through which those updates are reported to the Board.

Dr. Paris asked if it is possible to develop a dashboard for displaying the status of the strategic plan objectives and action items. Ms. Walker replied that staff does not currently have the capability to provide a real-time dashboard, but SOLID did provide an effective tracking tool for each of the objectives.

**Public Comment:** None.

**Returned to Agenda Item 4. Elections of Board Officers for 2023:**

**A. Chair**

**Motion:** Dr. Adams moved to elect Dr. Paris as Board Chair for 2023.

**Second:** Mr. Sweet seconded the motion.

**Public Comment:** None.

Dr. Paris thanked the Board members for their trust in nominating him and stated that he looks forward to serving another year. He shared that he enjoyed the last year and appreciates all that the Board members have accomplished during that time. He also expressed his appreciation for the collaboration and increase in participation by licensees, continuing education providers, and stakeholders.

**Vote:** 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

**Motion:** Carried.

## **B. Vice Chair**

**Motion: Dr. Paris moved to elect Dr. Adams as Board Vice Chair for 2023.**

**Second: Dr. Daniels seconded the motion.**

**Public Comment:** None.

Dr. Adams shared that he is grateful to be on the Board and is proud of the Board's accomplishments over the past year.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

## **C. Secretary**

**Motion: Dr. Daniels moved to elect Mr. Sweet as Board Secretary for 2023.**

**Second: Dr. Adams seconded the motion.**

**Public Comment:** None.

Mr. Sweet stated that he appreciates the nomination and this group of Board members and looks forward to continuing to serve as Board Secretary.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

## **Moved to Agenda Item 12. Government and Public Affairs Committee Report**

- Committee Chair's Update on December 5, 2022 Meeting

Ms. Cruz shared that the Government and Public Affairs Committee discussed the new issues and recommendations from the Board's 2022 Sunset Review and the need for additional research to identify best practices at other DCA healing arts boards. She also outlined the steps of the updated onboarding process for new Board members that was developed by the Committee. Mr. Sweet commented that it is a great process to make sure new members feel comfortable and capable in their service as Board members. Dr. Paris concurred.

Dr. Daniels thanked the Committee for their work on the onboarding process and asked who the current Board liaison is. Ms. Walker replied that the Board liaison is one of the

duties of the Administrative Analyst position formerly held by Andreia McMillen. She stated she and Amanda Ah Po are covering those duties until the position is refilled.

Dr. Daniels asked if the Board member resource binder is maintained electronically. Ms. Walker explained that the binder, in its current state, is a hard copy of a collection of various materials; however, staff is developing an updated and more useful resource binder for approval by the Committee that will be distributed to Board members by mail and electronically. Dr. Daniels asked about the timeframe for distributing the new resource materials and requested a copy of the existing materials. Ms. Walker shared that staff's goal is to present the updated materials to the Committee at their next meeting in March 2023.

Dr. Paris referred to Issue 10 from the Board's 2022 Sunset Review background paper and asked if the Enforcement Unit is still seeing issues regarding COVID-19 misinformation. Ms. Walker replied that the number of complaints has significantly decreased since 2020 and staff is continuing to monitor the Medical Board of California's implementation of legislation related to the spread of misinformation by their licensees. Dr. Daniels added that there is still misinformation being presented by licensees and other groups, so although the public may not be filing complaints, it remains an issue. Ms. Cruz noted it is one of the areas where the Committee asked for outreach to other healing arts boards on how they are handling the issue.

**Public Comment:** None.

### **13. Licensing Committee Report**

- A. Committee Chair's Update on December 9, 2022 Meeting
- B. Review, Discussion, and Possible Action on Committee's Recommendation Regarding the Application for New Chiropractic College Approval by Keiser University - College of Chiropractic Medicine
- C. Review, Discussion, and Possible Action on Committee's Recommendation Regarding the Pending Regulatory Proposal on Approval of Chiropractic Schools and Educational Requirements (amend California Code of Regulations [CCR], Title 16, sections 330, 331.1, 331.3, and 331.5–331.16 and add CCR, Title 16, sections 330.1 and 331.12.4)

Dr. Daniels shared that the Licensing Committee will be discussing reciprocal licensure requirements and inactive licenses at their next meeting on February 24, 2023. She explained that most of the December 9, 2022 meeting was focused on the application for new chiropractic college approval by Keiser University - College of Chiropractic Medicine (KUCCM) and how they addressed the four deficiencies that were identified during the Committee's initial review of their application. She stated after the discussion, the Committee voted to recommend that KUCCM be granted provisional approval by the Board.



Dr. Paris noted KUCCM's institutional benchmark for attendance is 80% but they approved a 90% attendance rule for the clinical system, and asked if the 90% means the clinical program or just the clinical practice. Dr. Jennifer Illes, Vice President of KUCCM, replied that their clinical component includes three classes with the 90% attendance rule. She explained they installed a thumbprint system so they can electronically monitor attendance and the remaining courses in the program would still be under the 80% institutional benchmark and Council on Chiropractic Education (CCE) requirements. She noted the program is in its seventh operational year and has had 20 cohorts of students, including approximately 12 who have already graduated.

Dr. Paris asked for clarification on the 250 patient treatments during the clinical experience. Dr. Illes replied that KUCCM can change their syllabus if required for provisional approval and shared that most students are meeting or exceeding that requirement through their rotations with community partners. Dr. Paris asked if that same consideration could be made for the 90% attendance requirement. Dr. Illes replied that they would need to present that change to the Keiser University Curriculum Committee for approval, but it should not be a problem.

Dr. Paris asked if KUCCM documents the number of encounters or just that students met the competency requirement. Dr. Illes explained that every student must meet the 31 meta-competency outcomes and is measured at least three different times on each competency, so students are completing at least 93 assessments over a 16-week period to demonstrate that they are meeting the benchmarks.

**Public Comment:** Falkyn Luouxmout stated he was previously a student at Southern California University of Health Sciences where there were classes that housed multiple disciplines and the requirement for 250 chiropractic treatments was one of the things that separated chiropractic students from acupuncture and physical therapy students. He stated he would rather see the 250 treatments implemented in the KUCCM curriculum before allowing graduates to apply for licensure in California.

**Motion:** Dr. Paris moved to grant provisional approval to the Keiser University - College of Chiropractic Medicine Doctor of Chiropractic degree program and to direct the program to take any actions necessary to obtain full compliance with the Board's regulations, such as instituting a 90% student attendance policy and documenting a minimum of 250 patient treatments during the student's clinical experience, before final approval will be granted.

**Second:** Dr. Daniels seconded the motion.

**Public Comment:** Falkyn Luouxmout reiterated his preference for requiring KUCCM to meet all of the Board's prescriptive requirements before granting provisional acceptance and allowing KUCCM graduates to practice in California.

**Vote:** 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

**Motion: Carried.**

Ms. Walker explained on July 16, 2020, the Board approved proposed text to amend the chiropractic college regulations to align them with CCE accreditation standards and remove some of the overly prescriptive requirements that are already part of the program accreditation process. She shared that the Committee reviewed the proposed revisions to the curriculum requirements found in CCR, title 16, sections 331.12.2 and 331.12.3 and discussed the potential benefits of the Board retaining its authority and oversight over the clinical component of the educational program. She stated the Committee voted to recommend to the Board that these sections be returned to the Committee for further study.

Dr. Adams asked if it is necessary to return the matter to the Committee. Dr. Daniels referred to the CCE meta-competencies document and noted that CCE provides guidance, but it is the school's and the licensing jurisdiction's responsibility to manage and uphold the specific requirements. She added that the Committee should further discuss whether it is appropriate to completely give up all influence and control over the curriculum before proceeding with the regulatory proposal. Dr. Paris shared his support for returning the matter to the Committee for further discussion.

Dr. Daniels and Dr. Paris discussed the importance of clinical adjusting skills as part of the educational program and in chiropractic practice. Dr. Paris commented that 250 patient treatments is a fair minimum number based on the volume of patients that most licensees will see in practice. Dr. Daniels noted that clinical experience involves evaluating a patient, developing a management plan, executing that plan through treatment, and then reassessing and having the ability to determine when that patient has reached maximum medical improvement and can be released from care. Dr. Paris agreed and emphasized the need for licensees to know when and when not to adjust.

**Motion: Dr. Paris moved to return the proposed language to amend CCR, title 16, section 331.12.2 and add CCR, title 16, section 331.12.3 to the Licensing Committee for further study and discussion.**

**Second: Dr. Adams seconded the motion.**

**Public Comment:** Falkyn Luouxmont asked the Board to keep some of the prescriptive details within the regulations. He stated he adjusted a patient in June 2022 and the patient has returned every week for him to provide chiropractic assessments and measurements, but his supervising chiropractor will not allow him to adjust because no subluxation is detected. He added that the public cannot say there is no subluxation present, only a chiropractor can make that determination. He reiterated his request for partial credit when no adjustment is necessary.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**



**Motion: Carried.**

#### **14. Enforcement Committee Report**

- A. Committee Chair's Update on December 9, 2022 Meeting
- B. Review, Discussion, and Possible Action on Committee's 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)
- C. Review, Discussion, and Possible Action on Committee's Recommendation to Repeal CCR, Title 16, section 354 (Successful Examination)

Dr. Adams updated the Board on the December 9, 2022 Enforcement Committee meeting and shared that the Committee discussed the regulatory proposal to add CCR, title 16, sections 384.1 and 384.2. He explained the Committee felt it was appropriate for the Board to retain its discretion when dealing with tier-one sex offenders due to the potential for extenuating circumstances. He also stated that the Committee voted to recommend that the Board repeal CCR, title 16, section 354, as it is an obsolete provision within the Board's regulations that allows for unlicensed practice prior to licensure. He further explained that the Committee is developing a regulatory proposal to define the roles and responsibilities of supervisors of unlicensed staff within a chiropractic practice.

Ms. Pitto shared the Committee's recommendation that staff be directed to work with regulatory legal counsel to prepare updated proposed language to add CCR, title 16, sections 384.1 and 384.2 that would require:

- 1) Any proposed decision containing a 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), or is subject to registration as a sex offender under PC section 290 in any tier, to contain an order of revocation and prohibit the proposed decision from containing a stay of the revocation;
- 2) Any Board decision containing 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
- 3) The Board to deny or revoke a license for any applicant, licensee, or petitioner who is subject to registration as a sex offender under PC section 290 in any tier, and prohibit the Board from issuing a stay of the revocation for any individual who is subject to registration as a tier two or three offender, as defined in PC section 290, subdivision (d)(2) and (3).

Dr. Paris shared his support for the Committee's proposal and noted the Committee engaged in a good discussion of these issues.

**Motion: Dr. Adams moved to direct staff to work with legal counsel to update and finalize the proposed text to add CCR, title 16, sections 384.1 and 384.2 to reflect the Committee's recommendations and present that text to the Board for approval at the April 2023 Board meeting.**

**Second: Dr. Paris seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

Ms. Pitto explained that CCR, title 16, section 354 (Successful Examination) became effective November 17, 1979, and conflicts with CCR, title 16, section 310.2, which prohibits any person from engaging in the practice of chiropractic without holding an active license issued by the Board, as well as similar provisions within Sections 5 and 15 of the Chiropractic Initiative Act of California. She added that this regulation causes confusion for applicants after they pass the California Chiropractic Law Examination (CCLE).

Dr. Paris noted this regulation is problematic because applicants still have to submit their CCLE results and initial license fee to the Board before they can receive their license, but the regulation provides the impression that they can immediately begin practicing after passing the CCLE. Ms. Walker added that in some instances, applicants may pass the CCLE but Board staff initiates the license denial process due to public safety concerns with them being licensed; however, this regulation allows those individuals to practice while the Board completes the formal administrative process to deny their licensure application.

**Motion: Dr. Adams moved to approve the proposed regulatory text to repeal CCR, title 16, section 354 regarding successful examination, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and repeal section 354 as noticed.**

**Second: Dr. Paris seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

## **15. Continuing Education Committee Report**

- A. Committee Chair's Update on December 2, 2022 and January 4, 2023 Meetings
- B. Review, Discussion, and Possible Action on Committee's Recommendation Regarding Proposed Changes to the Annual Continuing Education (CE) Requirements for Licensees and the Board's CE Course Review and Approval Process (amend CCR, Title 16, sections 360–364)

Dr. Paris outlined the Continuing Education Committee's proposal to update the Board's CE regulations by amending CCR, title 16, sections 360–364, including adding the statutory fee amounts to the regulation, creating five CE competency areas, expanding the CE provider background check and approval process, and defining the three learning formats and exemptions to the CE requirements.

Dr. Paris also shared that the Committee discussed the pending regulatory proposal to mandate basic life support (BLS) certification for active licensees and directed staff to gather additional information from the certifying entities regarding accommodations for providers with disabilities for further discussion.

**Motion: Dr. Paris moved to direct staff to work with legal counsel to finalize the proposed language to amend CCR, title 16, sections 360–364, including the forms incorporated by reference and the fiscal analysis, for the Board's discussion at the April 2023 meeting.**

**Second: Dr. Daniels seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

## **16. Future Agenda Items**

**Public Comment:** Falkyn Luouxmout asked if there is a chiropractic equivalent to the ICD-10 code Z03.89 he mentioned earlier and which of the Board's committees would oversee that code.

Dr. Paris thanked Mr. Luouxmont for his comments and suggested that he review CPT code 99211, which is commonly used for simple rechecks and brief follow-up visits.

**17. Closed Session**

- Deliberate and Vote on Disciplinary Matters Pursuant to Government Code Section 11126, subd. (c)(3)

The Board had no disciplinary matters for discussion and remained in open session.

**18. Adjournment**

Dr. Paris adjourned the meeting at 2:34 p.m.

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**Attachment A**

**List of Approved Applications for Initial Doctor of Chiropractic Licenses  
 Issued from October 1, 2022 to December 31, 2022**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.</b>
Rodrigo		Velasquez	10/14/2022	<b>DC 35148</b>
Brandon	Richard	Curley	10/14/2022	<b>DC 35149</b>
Evangelyn	Faith	DiBacco	10/14/2022	<b>DC 35150</b>
Ryan	Wren	Gibson	10/14/2022	<b>DC 35151</b>
Tyler	Lane	Rau	11/04/2022	<b>DC 35152</b>
Amber	Lee	Romano	11/04/2022	<b>DC 35153</b>
Tyler	Ikaika	Nagao	12/06/2022	<b>DC 35154</b>
Steven	Thomas	Huybrecht	12/06/2022	<b>DC 35155</b>
Jessica	Brianna	Valencia	10/11/2022	<b>DC 36457</b>
Bryan		Schwingle	10/11/2022	<b>DC 36458</b>
Vinson		Lieu	10/11/2022	<b>DC 36459</b>
Emily		LaFrance	10/11/2022	<b>DC 36460</b>
Christian	Brian	Lau	10/11/2022	<b>DC 36461</b>
Grant	Josef	Soloway	10/11/2022	<b>DC 36462</b>
Emily		Trybus	10/11/2022	<b>DC 36463</b>
Christopher		Pierson	10/11/2022	<b>DC 36464</b>
Cole		Anderson	10/11/2022	<b>DC 36465</b>
Lindsey	Paula	Anderson	10/11/2022	<b>DC 36466</b>
Joshua		Anderson	10/11/2022	<b>DC 36467</b>
Baharnaz		Gord Jahanbeygloo	10/11/2022	<b>DC 36468</b>
Lucas		Rascon	10/11/2022	<b>DC 36469</b>
Jeffrey	Y.	Wu	10/11/2022	<b>DC 36470</b>
Patrick	Michael	Sage	10/11/2022	<b>DC 36471</b>
Alexandra	Gioia	Pimentel	10/12/2022	<b>DC 36472</b>
Jon	Derek	Slingsby	10/25/2022	<b>DC 36473</b>

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.</b>
Crystal	Talingdan	Itliong	10/25/2022	<b>DC 36474</b>
Alene	S.	Wafers	10/25/2022	<b>DC 36475</b>
Irma		Mora	10/25/2022	<b>DC 36476</b>
Megan		Peterson	10/25/2022	<b>DC 36477</b>
Angela		Faissal	10/25/2022	<b>DC 36478</b>
Brittnie Allis	Aniana	Ramirez	10/25/2022	<b>DC 36479</b>
Amr		Metwali	10/25/2022	<b>DC 36480</b>
Lauren	Marie	Emge	10/25/2022	<b>DC 36481</b>
Corey	Andrew	Blanchette	10/25/2022	<b>DC 36482</b>
Laura	Beth	Magee	10/25/2022	<b>DC 36483</b>
Stefan		Sanchez	10/25/2022	<b>DC 36484</b>
Tanner		Haislip	10/25/2022	<b>DC 36485</b>
Cody		Marlow	10/25/2022	<b>DC 36486</b>
Olga	Ostatnigrosh	Williams	10/25/2022	<b>DC 36487</b>
Justin		English	10/25/2022	<b>DC 36488</b>
Jacob		McGee	10/27/2022	<b>DC 36489</b>
Zachary	Joseph Rober	Soufl	10/27/2022	<b>DC 36490</b>
Marcus	Andrew	Carloni	10/27/2022	<b>DC 36491</b>
Jacqueline		Perron-Smith	10/27/2022	<b>DC 36492</b>
Hiba		Ahmed	10/27/2022	<b>DC 36493</b>
Jacob		Samuelson	10/27/2022	<b>DC 36494</b>
Hilary		Gross	11/03/2022	<b>DC 36495</b>
Rafael		Blanco	11/03/2022	<b>DC 36496</b>
Jelena		Bilog	11/03/2022	<b>DC 36497</b>
Jaspreet	Singh	Randhawa	11/03/2022	<b>DC 36498</b>
Cody		Young	11/03/2022	<b>DC 36499</b>
Devin		Pagett	11/04/2022	<b>DC 36500</b>
Sterling		Hancock	11/22/2022	<b>DC 36501</b>
Carissa	Victoria	Chuidian	11/22/2022	<b>DC 36502</b>

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.</b>
Caitlin	Emilee	Walker	11/22/2022	<b>DC 36503</b>
Dayanara	Amira	Thompson	11/22/2022	<b>DC 36504</b>
Tanmay	Ankush	Shinde	11/22/2022	<b>DC 36505</b>
Megan		Walls	11/22/2022	<b>DC 36506</b>
Darcel		White	11/22/2022	<b>DC 36507</b>
Dillon	M.	Mizukami	11/22/2022	<b>DC 36508</b>
Alondra	Guadalupe	Munoz Miranda	11/22/2022	<b>DC 36509</b>
Seyoon		Rhee	11/29/2022	<b>DC 36510</b>
Erika	Kristin	Mennerick	11/29/2022	<b>DC 36511</b>
Farida Kapasi	K.	Savai	11/29/2022	<b>DC 36512</b>
Brian	Matthew	Lenahan	12/01/2022	<b>DC 36513</b>
Daniel		Buettner-Fourie	12/01/2022	<b>DC 36514</b>
Haroun	Mohammed	Arefi	12/01/2022	<b>DC 36515</b>
Joseph	Anthony	Haas	12/01/2022	<b>DC 36516</b>
Elena		Hernandez	12/06/2022	<b>DC 36517</b>
Sarah		Visconti	12/06/2022	<b>DC 36518</b>
Munaba		Nasiiro	12/06/2022	<b>DC 36519</b>
Yasmeen		Malik	12/06/2022	<b>DC 36520</b>
Jose	Luis	Palacios	12/29/2022	<b>DC 36521</b>
Yen	Chia	Huang	12/29/2022	<b>DC 36522</b>
Shane	Michael	Waldron	12/29/2022	<b>DC 36523</b>
Erin	Lynn	Moran	12/29/2022	<b>DC 36524</b>
Christian	James	Zebrasky	12/29/2022	<b>DC 36525</b>
Christine	Michelle	Mogannam	12/29/2022	<b>DC 36526</b>
Sean		Lin	12/29/2022	<b>DC 36527</b>
Zackery	Vaughn	Manes	12/29/2022	<b>DC 36528</b>
Beth		Anderson	12/29/2022	<b>DC 36529</b>
Sandy		Martinez	12/29/2022	<b>DC 36530</b>
Abbe		Gage	12/30/2022	<b>DC 36531</b>

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.</b>
Constantine		Salnikof	12/30/2022	<b>DC 36532</b>
Ginnie	Lynn	Critten	12/30/2022	<b>DC 36533</b>
Darina		Medunova	12/30/2022	<b>DC 36534</b>

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**Attachment B**

**List of Approved New Continuing Education Providers**

<b>Provider Name</b>	<b>CE Oversight Contact Person</b>	<b>Provider Status</b>
Jose Luis Villarreal	Jose Luis Villarreal	Corporation
Christopher John	Christopher John and Nadine Kadey	Individual
Andrew Osborne	Andrew Osborne	Partnership
Mark Algee, D.C.	Mark Algee, D.C.	Individual

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## BOARD OF CHIROPRACTIC EXAMINERS MEETING MINUTES

April 20, 2023

In accordance with the statutory provisions of Government Code section 11133, the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on April 20, 2023.

### Board Members Present

David Paris, D.C., Chair  
Laurence Adams, D.C., Vice Chair  
Rafael Sweet, Secretary  
Janette N.V. Cruz  
Pamela Daniels, D.C.

### Staff Present

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

### 1. Open Session – Call to Order / Roll Call / Establishment of a Quorum

Dr. Paris called the meeting to order at 9:05 a.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

### 2. Public Comment for Items Not on the Agenda

**Public Comment:** Gwendolyn Anderson asked for more steps to be taken to prevent predatory actions by chiropractors. She stated her recent experience with a chiropractor was disconcerting, but she felt that if she told anyone, they would think she was making it up to slander the chiropractor. She stated she went online and confirmed that the treatment that was suggested to her was not standard and she requested that the Board's consumer webpage explain those standards more clearly so the public knows they should be reporting these types of experiences.

### 3. Petition Hearing for Reinstatement of Revoked License

Administrative Law Judge Matthew Block presided over the following petition hearing before the Board:

- Thomas Joseph Zorich, License No. DC 20052, Case No. AC 2006-509

Deputy Attorney General Steve Pyun appeared at the hearing on behalf of the people of the State of California.

#### **4. Closed Session**

The Board met in closed session to:

- A. Deliberate and vote on disciplinary matters, including the above petition, pursuant to Government Code section 11126, subdivision (c); and
- B. Confer with and receive advice from legal counsel regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162, pursuant to Government Code section 11126, subdivision (e).

#### **5. Reconvene to Open Session**

The Board returned to open session and continued with the agenda.

#### **6. Board Chair's Report**

Dr. Paris thanked the Board members for their dedication and participation in the policy discussions at the committee meetings. He highlighted the Board's ongoing efforts to engage with stakeholders and shared his observations of increased participation and interaction with the public and stakeholders during committee and Board meetings. He shared that he and Dr. Adams presented to licensees and students at the California Chiropractic Association's (CalChiro) Legislative Day on April 11, 2023, and participated in discussions with the attendees. Dr. Adams added that he spent that afternoon engaging with staff at the Board's office and answering questions regarding the practice of chiropractic. Dr. Paris also stated that he, Dr. Daniels, and Ms. Walker had a discussion with representatives from the Council on Chiropractic Education (CCE) and chiropractic colleges on April 17, 2023, regarding the Chiropractic Initiative Act (Act) and curriculum regulations.

Dr. Paris reiterated his goals for 2023 to continue the momentum on the pending regulatory proposals and continue to increase outreach and engagement with stakeholders.

**Public Comment:** None.

#### **7. Update on the Department of Consumer Affairs (DCA) by the DCA Office of Board and Bureau Relations**

Judie Bucciarelli from DCA's Office of Board and Bureau Relations (BBR) updated the Board on: the work of DCA's Diversity, Equity, and Inclusion (DEI) Steering Committee;

the availability of DEI courses to all employees; mandatory trainings for 2023, including sexual harassment prevention training and information security awareness; DCA's Board Member Orientation Training (BMOT), which will be held on June 20, 2023, and October 10, 2023; and the upcoming expiration of the teleconferencing provisions that allow the Board to conduct remote meetings without identifying the teleconference locations in the meeting notice and agenda. She provided information regarding the new federal law that took effect on January 5, 2023, and enables service members and their spouses who hold professional licenses in a different state to practice in California within the same professional discipline and a similar scope of practice if they are required to relocate to California due to their military orders. She also shared that DCA submitted its 2021-22 Annual Report to the Legislature and it is available on DCA's website.

Dr. Paris asked if the DEI certification course is available to Board members. Ms. Bucciarelli encouraged Ms. Walker to follow up with BBR regarding potential training opportunities for Board members. Ms. Cruz expressed her support for DCA's DEI efforts.

**Public Comment:** None.

#### **8. Review and Possible Approval of January 20, 2023 Board Meeting Minutes**

This agenda item was tabled to the July 20, 2023 Board meeting.

#### **9. Review and Possible Ratification of Approved Doctor of Chiropractic License Applications**

**Motion:** Dr. Adams moved to ratify the approved doctor of chiropractic license applications.

**Second:** Mr. Sweet seconded the motion.

**Public Comment:** None.

**Vote:** 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

**Motion:** Carried.

#### **10. Review and Possible Ratification of Approved Continuing Education Provider Applications**

Dr. Paris noted one of the PowerPoint slides attached to Michael Wasilisin's continuing education (CE) provider application contained foul language and suggested that staff review the entire presentation and discuss the issue with Mr. Wasilisin before the Board approves his application. Dr. Adams agreed that the language is offensive but

questioned whether the Board could require the removal of that term. Ms. Knight noted that the Board is presently being asked to consider the approval of the CE provider application, not the advertisement or materials, and suggested that staff remind the provider to use professional language going forward.

**Motion: Dr. Daniels moved to ratify the continuing education provider applications.**

**Second: Ms. Cruz seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

**11. Executive Officer's Report and Updates on:**

- A. Administration, Continuing Education, Enforcement, and Licensing Programs
- B. Board's Budget and Fund Condition
- C. Business Modernization Project and Implementation of Connect System
- D. Status of Board's Pending Regulatory Proposals
- E. Board's 2022–2026 Strategic Plan Objectives

Ms. Walker acknowledged and thanked staff for their hard work during the first quarter of the year and congratulated Dr. Paris and Dr. Adams on their recent reappointments to the Board. She also shared staff's appreciation of the Board members and their guidance to staff.

Ms. Walker stated the Board's former regulatory counsel, Heather Hoganson, had accepted a promotional position at another department and left DCA in March 2023. She introduced the new regulatory counsel, Steven Vong. She also announced that former Enforcement Analyst Christina Bell retired from state service in February 2023 and Special Investigator Yanti Soliman will be retiring at the end of April 2023. She noted that staff is currently working to fill four vacancies, including the Administrative Technician and Assistant Executive Officer positions.

Ms. Walker updated the Board on the implementation of the Connect system and the software release on February 28, 2023, which enhanced the applicant and licensee dashboards and provided the ability to store CE records in the system. She also shared that the Board had been offered the opportunity to upgrade to the latest version of the

vendor's software and will be the first of the four programs in Cohort 1 to move to the new platform.

Ms. Walker also briefed the Board on the status of the 20 pending regulatory proposals, staff's efforts to enhance the licensing and enforcement statistics that are presented during Board and committee meetings, the anticipated reversion of funds from the Board's 2022-23 budget, and the 2022–2026 Strategic Plan objectives.

Dr. Adams thanked staff for making the Board run more efficiently and effectively and for their accomplishments over the past year. Ms. Cruz suggested discussing the strategic plan objectives further with the Government and Public Affairs Committee. Dr. Paris expressed his support for the recent improvements to the Connect system, including electronic record storage and license renewals within 48 hours, and the future development of direct source verification of CE records from providers.

**Public Comment:** None.

## **12. Licensing Committee Report**

- A. Committee Chair's Update on February 24, 2023 Meeting
- B. Review, Discussion, and Possible Action on Committee's Recommendation Regarding Regulatory Proposal Concerning the Filing of an Address of Record and Collection of Licensee Telephone Numbers and Email Addresses for Board Directory (Implement Senate Bill [SB] 1434 [Roth, Chapter 623, Statutes of 2022] by Amending California Code of Regulations [CCR], Title 16, section 303)

Dr. Daniels updated the Board on the February 24, 2023 Licensing Committee meeting and shared that the Committee began its initial discussion of the process for licensure through reciprocity based on comments from the Board's 2022 Sunset Review. She stated staff is working on an environmental scan to compile and analyze the requirements of all 50 states, and the Committee briefly discussed the licensure requirements in Florida and New York and potential updates to the Board's process.

Dr. Daniels also explained the Committee discussed the renewal requirements and fees for inactive licenses, and staff developed a survey to gather feedback from licensees and stakeholders. She noted the Committee discussed the need to develop language to define the use and purpose of an inactive license and the activities that would require an active license with annual CE. Dr. Daniels added that she, Dr. Paris, and Ms. Walker participated in a discussion with educational leaders on April 17, 2023, about the need to establish contemporary curriculum requirements through regulation.

Dr. Daniels introduced the Committee's recommendation to clarify the filing of an address of record and implement the provision within Senate Bill (SB) 1434 (Roth,

Chapter 623, Statutes of 2022) to collect licensee telephone numbers and email addresses for the Board's directory by amending CCR, title 16, section 303.

Dr. Adams asked for additional information regarding the discussion with educational leaders about competency-based education. Dr. Daniels explained that many health care programs are generally moving from traditional hour requirements to competency-based models where students are assessed based on their competency and as they progress through various levels, they are entrusted to perform activities. She stated they also discussed the new CCE guidelines that will be released in fall 2023, and CCE's shift from institutional to programmatic assessment. Dr. Paris agreed and added that competency-based education allows high performers to demonstrate competency and advance early in their educational program while providing additional time to those who need it to develop their competencies. He also noted that competency-based education supports adult learners through flexibility in programs and potentially allows for cost savings.

**Motion: Dr. Paris moved to approve the proposed regulatory text for California Code of Regulations, title 16, section 303 in Attachment 2 of Agenda Item 12 in the meeting materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation for CCR, title 16, section 303 as noticed.**

**Second: Dr. Adams seconded the motion.**

**Public Comment:** Sergio Azzolino, D.C. shared that the Board discussed the issue of chiropractic educational requirements about 10 years ago with the presidents of the chiropractic colleges, CCE, and other stakeholders, but the Act limited the Board's ability to make contemporary changes to those requirements. Dr. Azzolino encouraged the Board to consider looking at opening the Act to allow chiropractic to become more contemporary with the other health care specialties and educational institutions.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

### **13. Enforcement Committee Report**

- Committee Chair's Update on March 2, 2023 Meeting



Dr. Adams updated the Board on the March 2, 2023 Enforcement Committee meeting and stated the Committee discussed proposed changes to the Board's *Disciplinary Guidelines and Model Disciplinary Orders*, the implementation of the Uniform Standards for Substance Abusing Licensees, and CCR, title 16, section 384. He explained the Committee discussed the categorization and recommended penalties for violations of the statutes and regulations within the Board's jurisdiction and the need to recategorize certain violations and list the applicable terms of probation that correspond with the specific violations to provide more clarity to an administrative law judge when drafting proposed decisions.

Dr. Adams stated the Committee continued its policy discussion regarding the development of a regulatory proposal to update the record keeping requirements for chiropractic patient records and address the retention requirements in the event of the death or incapacity of a licensee or upon retirement, closure, or sale of a chiropractic practice. He added that the Committee also continued its policy discussion regarding the activities that can be performed by unlicensed individuals within a chiropractic practice and the regulation of chiropractic assistants in other states.

Dr. Daniels asked for additional background information regarding the proposal for unlicensed individuals within a practice. Dr. Adams explained that the Committee is developing updates to the regulation to ensure the appropriate level of training and supervision for unlicensed staff. Ms. Walker added the Committee is seeking to clarify the role of the supervising doctor and the activities that can be performed by unlicensed individuals while under direct or indirect supervision.

Dr. Paris shared that the record keeping and retention requirements proposal will also provide guidance in the handling of patient records following the closure of a practice. He added that the proposal regarding unlicensed individuals within a practice is also partially based on a recent enforcement case where a patient had visited an office after a licensee's license had been revoked by the Board and found that the former licensee was continuing to work in the capacity of an unlicensed individual and interacting with patients.

**Public Comment:** Falkyn Luouxmont stated that he tried to comment during the Licensing Committee Report but was having technical difficulties. He stated CPT Code 99213 requires a doctor to execute the order whereas CPT Codes 99211 and 99212 are similar as far as evaluation orders but they can be carried out by staff without the consent of the doctor. He stated the detection of subluxation and finding of no subluxation is a doctor-tiered order that no other medical professional can do and would be CPT Code 99213. He stated the Licensing Committee should introduce this concept or idea to students because it has not been introduced and CCE states that chiropractic care to be delivered must comply with innate intelligence, state statutes, and federal law, but federal law and state statutes do not match. He added that he is excited for the Licensing Committee to discuss his requested rule edit for CCR, title 16, section



331.12.2, subdivision (e) to include partial credit for the skill of detection of subluxation and a possible finding within the data and measurements that no subluxation is present.

Dr. Azzolino encouraged the Board to look at an individual with a revoked license as a separate category because they should not be afforded any of the same privileges as unlicensed individuals and licensees of other health professions. He stated he believes the Board should enact a regulation that prohibits an individual with a revoked license from working in the practice. He also suggested further investigation and discussion regarding the examinations and measurements that can be performed by unlicensed individuals while upholding the licensee's responsibility for the interpretation. He added that the Board explored this issue in the past and the Act does not allow the Board to label anyone as a chiropractic assistant and the Board does not have jurisdiction over anyone in the office besides the licensee; therefore, he thinks the Board's efforts need to be placed on regulating the chiropractor and they should be able to direct their staff accordingly.

#### **14. Government and Public Affairs Committee Report**

- A. Committee Chair's Update on March 13, 2023 Meeting
- B. Review, Discussion, and Possible Action on Committee's Recommendation to Support:
  - i. Assembly Bill (AB) 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.
  - ii. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.
  - iii. AB 1751 (Gipson) Opioid prescriptions: information: nonpharmacological treatments for pain.

Ms. Cruz updated the Board on the March 13, 2023 Government and Public Affairs Committee meeting and shared that the Committee discussed the Board's administrative activities and a total of 22 legislative bills.

Ms. Cruz introduced AB 883 (Mathis), which would require a DCA board to expedite the initial licensure process for an applicant who is an active-duty military member enrolled in the United States Department of Defense SkillBridge program, and shared the Committee's recommendation for the Board to support the bill. Ms. Walker added that the estimated fiscal impact of \$1,696 in staff time to develop a regulation package to implement the bill is absorbable within the Board's existing resources.

**Motion: Dr. Adams moved to support AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.**

**Second: Mr. Sweet seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

Ms. Cruz presented AB 996 (Low), which would require any DCA board that is responsible for approving CE providers or courses to develop and maintain a conflict-of-interest policy, and shared the Committee's recommendation to support the bill. Dr. Daniels commented that AB 996 supports the Board's efforts to prevent self-promotion during CE courses.

**Motion: Dr. Daniels moved to support AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.**

**Second: Dr. Paris seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

Ms. Cruz introduced AB 1751 (Gipson), which would require prescribers to make patients aware of the risks and dangers of opioids and the availability of nonpharmacological treatments for pain before dispensing or issuing a prescription for opioid medication. Ms. Walker added that the bill was amended on April 13, 2023, and the previous requirement for the prescriber to offer a referral for nonpharmacological treatments for pain had been removed. Dr. Paris shared that the bill's sponsor, CalChiro, was supportive of accepting the amendment.

**Public Comment:** Dawn Benton, Executive Vice President and CEO of CalChiro, stated that AB 1751 will not be moving forward in 2023 because they did not have enough support to move the bill through the Assembly Health Committee. She stated CalChiro appreciates the Board's support of the bill.

**Motion: Dr. Adams moved to support AB 1751 (Gipson) Opioid prescriptions: information: nonpharmacological treatments for pain.**

**Second: Dr. Daniels seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

**15. Review, Discussion, and Possible Action on Legislation Related to the Board, the Chiropractic Profession, DCA, and/or Other Healing Arts Boards**

- A. AB 477 (Waldron) Legislative review of state boards.
- B. AB 765 (Wood) Physicians and surgeons.
- C. AB 795 (Flora) Unlawful sale of equipment, supplies, or services.
- D. AB 796 (Weber) Athletic trainers.
- E. AB 814 (Lowenthal) Veterinary medicine: animal physical rehabilitation.
- F. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.
- G. AB 1055 (Bains) Alcohol drug counselors.
- H. AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law.
- I. SB 259 (Seyarto) Reports submitted to legislative committees.
- J. SB 279 (Niello) Administrative regulations: participation: comment process.
- K. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes.
- L. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.
- M. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.

Ms. Walker indicated AB 477 (Waldron) is a spot bill that staff is monitoring and does not require any discussion by the Board. She explained AB 765 (Wood), known as the California Patient Protection, Safety, Disclosure, and Transparency Act, would make various legislative findings and declarations and prohibit the use of medical specialty titles by any person who is not licensed as a physician and surgeon. She noted the bill was recently amended to: 1) allow the holder of a license under another healing arts chapter to use any term identified on their license, certificate, or registration and not prohibit them from making any truthful statement that they specialize in a service or field that is within their licensed scope of practice and does not contain any of the specified

medical specialty titles; and 2) provide an exemption for the use of dental specialty titles. She stated that staff has significant concerns with the bill, particularly the projected increase in referrals of complaints regarding licensees' advertising of chiropractic specialties that would conflict with the provisions of this bill, and shared staff's recommendation to offer an amendment to the author that would provide an exemption for chiropractic specialty titles.

Dr. Paris asked if the Board would need to develop regulations that clearly define the ability for licensees to use specialty language if AB 765 were to pass, or if the bill would prevent the Board from even being able to do so. Ms. Walker replied that the Board would likely be unable to resolve the issue through regulation because the bill would explicitly and broadly prohibit the use of "any titles, terms, letters, words, abbreviations, description of services, designations, or insignia, alone and in combination with any other title" so any proposed regulations would conflict with the law.

Dr. Paris shared that he has major concerns with the restrictions the bill would place on all other health professions and suggested the Board consider a position of oppose unless amended. Dr. Daniels referenced the bill's legislative findings and declarations that "consumers can be confused and misled about the differences between the qualifications and education of various types of health care providers" and explained that the bill itself would cause confusion for the public because doctors of chiropractic have already established postdoctoral, accredited educational programs in neurology, radiology, and orthopedics. She stated that the term "physician" has a broader background beyond medicine and noted the national practice analysis defines a doctor of chiropractic as a first contact portal of entry provider or a primary care physician. She added the etymology of the word "neurologist" means to study the brain, nervous system, and musculoskeletal system and that is in the definition of chiropractic.

Dr. Daniels also stated there is a declining number of general neurologists to care for the public and there are many patients with concussions and other neurological disorders seeking treatment from doctors of chiropractic. She stated the bill would prevent those patients from being able to appropriately identify a doctor of chiropractic who could help them with their condition and it causes concerns of patient welfare and safety. Dr. Adams concurred with Dr. Daniels and suggested proposing an amendment to exempt accredited chiropractic specialties such as neurology, radiology, orthopedics, and pediatrics.

Dr. Paris explained that broad umbrella of health care is made up of specialties and each condition falls under a title such as rheumatological, orthopedic, or neurologic, and those specialties may define the patient population. He stated the problem is that individual titles are used throughout health care and the bill potentially has a chilling effect that could limit the scope of other providers because they can no longer seek specialization in commonly accepted fields of health care. He noted specialization in health care is in the best interest of the patient and inherent to public protection.

**Motion: Dr. Paris moved to direct staff to develop language for proposed amendments to AB 765 (Wood) Physicians and surgeons: medical specialty titles that reflects the Board's discussion.**

**Second: Dr. Daniels seconded the motion.**

**Public Comment:** Falkyn Luouxmout stated other professions are shortcutting chiropractic and physical therapists provide mobilizations and manipulate the body to provide similar results for their patients. He insisted that AB 765 (Wood) be monitored because other health professions do not go through the rigor of chiropractic education and the public be confused and not understand the significant difference in how physical therapists mobilize and manipulate their patients compared to doctors of chiropractic.

Dawn Benton shared that CalChiro is strongly opposed to AB 765 (Wood) and has communicated that position to the author's office.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

Ms. Walker presented the following bills:

- AB 795 (Flora) would increase the exclusion for cash sales of \$100 to \$200 from the misdemeanor crime of selling equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services will be used in the performance of a service or contract in violation of the licensing requirements of the Business and Professions Code. In addition, the bill would increase the fine for this crime from not less than \$1,000 to not less than \$2,000.
- AB 796 (Weber) would enact the Athletic Training Practice Act and establish an Athletic Trainer Licensing Committee within the Board of Occupational Therapy to exercise licensing, regulatory, and disciplinary functions for athletic trainers who practice under the supervision of a physician and surgeon.

Dr. Paris asked why the Athletic Trainer Licensing Committee would be placed within the Board of Occupational Therapy. Ms. Walker replied that issue was pointed out in the bill analysis and it may be more appropriate to place that committee under the Medical Board of California, as their licensees would be supervising the athletic trainers.

Ms. Walker continued presenting the following bills:

- AB 814 (Lowenthal) would authorize a licensed physical therapist to be registered with the Veterinary Medical Board as an authorized animal physical

therapist to provide animal physical rehabilitation if specified requirements are met.

- AB 1028 (McKinnor) would, on or after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, and instead, require a health practitioner who knows or reasonably suspects is experiencing any form of domestic violence or sexual violence to provide brief counseling, education, or other support, and offer a warm handoff or referral to advocacy services before the end of the patient visit.

Dr. Daniels shared that some providers may have concerns regarding the requirement to provide counseling or support and a warm handoff, particularly because the language in the bill is vague. Ms. Walker indicated if the bill passes, the Board can develop some resources to help guide licensees in those circumstances. Ms. Cruz suggested reaching out to other agencies for opportunities and resources that are available to assist licensees.

Dr. Paris noted domestic violence tends to be one of the most dangerous situations that law enforcement agencies encounter and the mandatory reporting acts as a protection mechanism for all parties involved, including the provider.

Ms. Walker continued presenting the following bills:

- AB 1055 (Bains) would establish the Allied Behavioral Health Board within DCA for the regulation of alcohol drug counselors.
- AB 1707 (Pacheco) would prohibit a DCA healing arts board from denying an application for licensure or suspending, revoking, or otherwise imposing discipline upon a licensee on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state.
- SB 259 (Seyarto) would require a state agency to post on its website any report that the agency submits to a committee of the Legislature.
- SB 279 (Niello) would require a state agency to provide a minimum 21-day public comment period for purposes of determining whether a regulation would meet the definition of a "major regulation."
- SB 372 (Menjivar) would require a DCA board to update a licensee or registrant's records, including records contained within an online license verification system, to include the licensee or registrant's updated legal name or gender upon receipt of government-issued documentation demonstrating the name or gender change

and prohibit the board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document for any other changes. The bill would also require the board to remove any prior name or gender information from the online license verification system, treat the information as confidential, and establish a process for providing that information upon receipt of a request.

Ms. Knight shared that some DCA boards have opposed SB 372 (Menjivar) based on concerns regarding the reporting of disciplinary actions and how the public can locate information regarding a past provider if they have changed their name. Ms. Walker suggested bringing those concerns back to the Board for a future discussion.

Ms. Walker continued with the following bill:

- SB 544 (Laird) would remove the requirement to list each teleconference location on the meeting agenda, and instead, require at least one physical meeting location with either a member of the state body or staff present where the public can go to observe and attend the meeting. Staff estimates the bill could potentially save the Board up to \$10,000 annually on travel and meeting expenses.

**Motion: Dr. Adams moved to support SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.**

**Second: Mr. Sweet seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

Ms. Walker summarized the final bill:

- SB 802 (Roth) would require a DCA board to notify an applicant in writing within 30 days after a decision is made to deny an application for licensure based solely or in part on the applicant's conviction history. Existing law does not specify a timeframe during which this written notification must be transmitted.

**Public Comment:** None.



**16. Review, Discussion, and Possible Action on Regulatory Proposal Regarding 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. Walker informed the Board that this regulatory proposal originated as part of the Consumer Protection Enforcement Initiative (CPEI) and would require any decision that contains a finding of fact that a licensee engaged in any act of sexual contact with a patient or is subject to registration as a sex offender to contain an order of revocation and prohibit an administrative law judge from including a stay of that revocation in a proposed decision. She noted the Board would retain its discretion to issue a decision with an order of stayed revocation except for cases involving a tier-two or tier-three sex offender.

Dr. Daniels referenced the written public comment submitted by Roger Calton regarding this agenda item and asked for additional background information on the proposal. Ms. Walker explained that the proposed text is modeled after similar regulations that have been adopted by most of the other DCA healing arts boards where a finding of fact that a licensee engaged in sexual contact with a patient requires an order of revocation and only the Board would have the authority to stay that revocation and place the licensee on probation. She emphasized that the Board would need to prove sexual intent for this provision to apply.

Dr. Adams asked how the Board exercises its discretion under the proposed regulations. Ms. Walker explained the Board could issue a decision with stayed revocation by negotiating a stipulated settlement with the respondent or reducing a proposed decision by an administrative law judge based on the extenuating circumstances outlined in the decision. She reiterated that the regulations would set a minimum penalty of stayed revocation and probation for any licensee who has committed any act of sexual contact with a patient or is subject to registration as a tier-one sex offender and a mandatory penalty of revocation for any licensee who is subject to registration as a tier-two or tier-three sex offender. Dr. Adams emphasized that the proposed regulations require a finding of sufficient evidence that the conduct occurred before the penalty is imposed.

**Motion: Dr. Adams moved to approve the proposed regulatory text for California Code of Regulations, title 16, sections 384.1 and 384.2 in the Attachment to Agenda Item 16 in the meeting materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the**



rulemaking and adopt the proposed regulations for CCR, title 16, sections 384.1 and 384.2 as noticed.

**Second:** Ms. Cruz seconded the motion.

**Public Comment:** None.

**Vote:** 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

**Motion:** Carried.

**17. Review, Discussion, and Possible Action on Regulatory Proposal Regarding Annual Continuing Education (CE) Requirements for Licensees and the Board's CE Course Review and Approval Process (amend CCR, Title 16, sections 360–364)**

Ms. Walker informed the Board that since the January 20, 2023 meeting, staff worked with regulatory counsel to finalize proposed regulatory text for the Board's consideration. She highlighted the substantive changes that were made since the Board's last review, including the addition of CCR, title 16, section 360.1 which defines the methods for submission of applications, forms, and payments and outlines the conditions for electronic submission of those applications.

Dr. Paris asked if all of the applications and forms are anticipated to be available electronically. Ms. Walker responded affirmatively and explained that staff is working on the development of CE functionality in the Connect system and plans to have each of the processes that are being established through regulation available through that platform. Dr. Paris acknowledged the hard work of Board members and staff to develop the regulations.

Dr. Adams asked about the implementation date of January 1, 2025, within the proposed text. Ms. Walker explained that the date was chosen to ensure that CE providers have adequate time to develop courses in the new competency areas and licensees will have time to complete the new courses prior to their 2025 renewal dates.

**Motion:** Dr. Adams moved to approve the proposed regulatory text for California Code of Regulations, title 16, sections 360–364 in the Attachment to Agenda Item 17 in the meeting materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive

**Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations for CCR, title 16, sections 360–364 as noticed.**

**Second: Dr. Daniels seconded the motion.**

**Public Comment:** None.

**Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).**

**Motion: Carried.**

### **18. Future Agenda Items**

Dr. Daniels requested a discussion of proposed amendments to AB 765 (Wood) and SB 372 (Menjivar).

Ms. Cruz requested a discussion of the reporting of updates and impacts to the 2022–2026 Strategic Plan objectives at the Government and Public Affairs Committee meeting.

Dr. Paris added that the Continuing Education Committee, or the Board, should discuss acceptable language for CE course content, outlines, and materials and the potential need to develop regulatory language. He also suggested inviting representatives from CCE and the chiropractic colleges to provide an overview of the process for educational assessment of competencies and the transition to competency-based education.

**Public Comment:** None.

### **19. Adjournment**

Dr. Paris adjourned the meeting at 3:48 p.m.

**Attachment A**

**List of Approved Applications for Initial Doctor of Chiropractic Licenses  
 Issued from January 1, 2023 to March 31, 2023**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.*</b>
Caitlin	Amber	Jennings	02/03/2023	<b>DC 35156</b>
Christopher	Anthony	Dominic	02/03/2023	<b>DC 35157</b>
Dath		Xiong	02/03/2023	<b>DC 35158</b>
Michael	Anthony	Fontana	02/03/2023	<b>DC 35159</b>
Christopher	Ryan	Whalen	02/03/2023	<b>DC 35160</b>
Victoria	Rose	Champany	02/03/2023	<b>DC 35161</b>
Scott	L	Martinez	02/03/2023	<b>DC 35162</b>
Nancy	Madrigal	Villalpando	02/03/2023	<b>DC 35163</b>
Sarah	Eileen	Beste-Simmler	02/03/2023	<b>DC 35164</b>
Tien	Giang Nhu	Truong	02/03/2023	<b>DC 35165</b>
Stephanie		Cheung	02/17/2023	<b>DC 35166</b>
Taylor	Renee	Hall	02/17/2023	<b>DC 35167</b>
Trevor	William	Hollingsworth	02/17/2023	<b>DC 35168</b>
Andrew	Raymond	Morrow	02/17/2023	<b>DC 35169</b>
Nicholas	Carl	Ashley	02/17/2023	<b>DC 35170</b>
Peter	Minh-Tri	Le	02/24/2023	<b>DC 35171</b>
Jeremy	Tyler	Yang	02/24/2023	<b>DC 35172</b>
John	Devon	Herrera	02/24/2023	<b>DC 35173</b>
Alissa		Avina	03/21/2023	<b>DC 35174</b>
Nemuel Biejay	Sandico	Tan	03/21/2023	<b>DC 35175</b>
Nemuel	Biejay	Tan	03/21/2023	<b>DC 35175</b>
Nathaniel	Allen	Ramil	03/21/2023	<b>DC 35176</b>
Michael	David	Knott	01/19/2023	<b>DC 36535</b>
Jaskiran	Kaur	Bath	01/19/2023	<b>DC 36536</b>
Jordan		Cordon	01/19/2023	<b>DC 36537</b>

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.*</b>
Dorsha		Nichols	01/19/2023	<b>DC 36538</b>
M	Ryan	Saldivar	01/19/2023	<b>DC 36539</b>
Elbert		Chao	01/19/2023	<b>DC 36540</b>
Mathew		Finley	01/19/2023	<b>DC 36541</b>
Rebekah		Boron-Trotter	01/19/2023	<b>DC 36542</b>
Isaiah		Guebara	01/19/2023	<b>DC 36543</b>
Chi Sun		Choi	01/19/2023	<b>DC 36544</b>
Brandon		Nissen	01/19/2023	<b>DC 36545</b>
Zackary	Cusati	Fulks	01/20/2023	<b>DC 36546</b>
Nadiem		Fahel	01/20/2023	<b>DC 36547</b>
Arna		Kilicarslan	01/20/2023	<b>DC 36548</b>
Zakariya		Champa	01/20/2023	<b>DC 36549</b>
Kevork		Merdkhanian	01/20/2023	<b>DC 36550</b>
Michelle	Nicole	Snider	01/20/2023	<b>DC 36551</b>
Sydney		Kaye	01/30/2023	<b>DC 36552</b>
Samantha		Pena	01/30/2023	<b>DC 36553</b>
Gholamreza		Shahhosseini	01/30/2023	<b>DC 36554</b>
Jiwon	Jason	Hong	01/30/2023	<b>DC 36555</b>
Joshua	Alan	Wood	01/30/2023	<b>DC 36556</b>
Christine	Doyle	Glidden	01/30/2023	<b>DC 36557</b>
Benafsha		Sahibzadah	01/30/2023	<b>DC 36558</b>
Jason		Ngan	01/30/2023	<b>DC 36559</b>
Matthew		Glynn	01/30/2023	<b>DC 36560</b>
John	T	Cybulski	01/30/2023	<b>DC 36561</b>
Everardo		Camacho	01/30/2023	<b>DC 36562</b>
Nguyen		Nguyen	01/30/2023	<b>DC 36563</b>
Andy		Lu	02/01/2023	<b>DC 36564</b>
Thomas	Edward	Danisiewicz	02/13/2023	<b>DC 36565</b>

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.*</b>
Christina		Mishreki	02/13/2023	<b>DC 36566</b>
Corey	Sammy	Croft	02/13/2023	<b>DC 36567</b>
Nathan		Amezcuca	02/13/2023	<b>DC 36568</b>
Kendall	Lane	Schluchter	02/13/2023	<b>DC 36569</b>
Manuel		Rivas	02/13/2023	<b>DC 36570</b>
Megan		Ng	02/13/2023	<b>DC 36571</b>
Kelsey		Martin	02/13/2023	<b>DC 36572</b>
Katelyn	Michelle	Sakamoto	02/13/2023	<b>DC 36573</b>
Brandon		Fein	02/13/2023	<b>DC 36574</b>
Zachary		Acencio	02/13/2023	<b>DC 36575</b>
David	Justine Bern	Dionson	02/14/2023	<b>DC 36576</b>
Andrew		Verdaguer	02/14/2023	<b>DC 36577</b>
Mabel		De La Luz	02/14/2023	<b>DC 36578</b>
Oluwatomsin	Philip	Osinfolarin	02/14/2023	<b>DC 36579</b>
Melinda		Pham	02/14/2023	<b>DC 36580</b>
Hailey	Paige	Danko	02/14/2023	<b>DC 36581</b>
Mary		Azoian	02/14/2023	<b>DC 36582</b>
Curtis		Ouyang	02/14/2023	<b>DC 36583</b>
Kristina		Tauran	02/14/2023	<b>DC 36584</b>
Megan	Riley	Jones	02/14/2023	<b>DC 36585</b>
Andre	Mark	Cayabyab	02/14/2023	<b>DC 36586</b>
Alyssa		Price	02/14/2023	<b>DC 36587</b>
Teena	Kathleen	Woeber	02/23/2023	<b>DC 36588</b>
Jessica	Leigh	Tolentino	02/23/2023	<b>DC 36589</b>
Christopher	Michael	Manning	02/23/2023	<b>DC 36590</b>
Corbin		Jackson	02/23/2023	<b>DC 36591</b>
Cecilia	Sze Heng	Yu	02/23/2023	<b>DC 36592</b>
Rushdi		Helo	02/23/2023	<b>DC 36593</b>

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.*</b>
Christopher	Richard	Young	02/23/2023	<b>DC 36594</b>
Shannon		Hatfield	02/23/2023	<b>DC 36595</b>
Eleeza		Owens	02/23/2023	<b>DC 36596</b>
Gideon		Tseng	02/23/2023	<b>DC 36597</b>
Abby	Pauline	Endres	02/23/2023	<b>DC 36598</b>
James		Stang	02/23/2023	<b>DC 36599</b>
Eric		Pitpitan	02/23/2023	<b>DC 36600</b>
Andrew	Daniel	Oh	02/23/2023	<b>DC 36601</b>
Louis		Thibault	02/23/2023	<b>DC 36602</b>
Dalton	Jacob	Williams	02/23/2023	<b>DC 36603</b>
Madison		Marquez	02/23/2023	<b>DC 36604</b>
Samantha	Briana	Adams	02/23/2023	<b>DC 36605</b>
Angelo		Gassoumis	02/23/2023	<b>DC 36606</b>
Thimmy	Kjell Tobias	Garbenius	02/23/2023	<b>DC 36607</b>
Edmond	Ngee Jun	Lim	02/23/2023	<b>DC 36608</b>
Sang	Won	Rhee	02/23/2023	<b>DC 36609</b>
Xavier	Quinntin	Crawford	02/23/2023	<b>DC 36610</b>
Jessica	Ruth	Amador-Castellanos	03/02/2023	<b>DC 36611</b>
Young	Mi	Le	03/02/2023	<b>DC 36612</b>
Kaitlyn	Emily	Lester	03/02/2023	<b>DC 36613</b>
Sue		Bedi	03/06/2023	<b>DC 36614</b>
Taylor	Ann	Langdon	03/06/2023	<b>DC 36615</b>
Kevin	Thanh	Do	03/06/2023	<b>DC 36616</b>
Alvin	Nector	Alvarez	03/06/2023	<b>DC 36617</b>
Tracy	Megumi	Wheelwright	03/06/2023	<b>DC 36618</b>
Joann		Figueroa	03/06/2023	<b>DC 36619</b>
Anthony		Moursalian	03/06/2023	<b>DC 36620</b>
Vance		Dokes	03/06/2023	<b>DC 36621</b>

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.*</b>
Justin		Mcdaniel	03/06/2023	<b>DC 36622</b>
Gevork		Orudzhyan	03/16/2023	<b>DC 36623</b>
Ryan	Cole	Raymond	03/16/2023	<b>DC 36624</b>
Angela		Stephens	03/16/2023	<b>DC 36625</b>
Angela		Baldrige	03/16/2023	<b>DC 36625</b>
Frederick		Choi	03/16/2023	<b>DC 36626</b>
Claudia		Rodriguez Artud	03/16/2023	<b>DC 36627</b>
Christian	Velasco	Caragao	03/16/2023	<b>DC 36628</b>
Daniella	Theodora	Vivanco	03/16/2023	<b>DC 36629</b>
Mckenzie		Cervini	03/16/2023	<b>DC 36630</b>
Barry		Smith	03/21/2023	<b>DC 36631</b>
Julianna	Marie	Oates	03/21/2023	<b>DC 36632</b>
Ciara		Maldonado	03/21/2023	<b>DC 36633</b>
Alireza		Chizari	03/21/2023	<b>DC 36634</b>
Kaylan	Sasha	Lane	03/21/2023	<b>DC 36635</b>
Tim		Stanfill	03/21/2023	<b>DC 36636</b>
Antonio		Figuroa Jr	03/21/2023	<b>DC 36637</b>

**Attachment B**

**List of Approved New Continuing Education Providers**

<b>Provider Name</b>	<b>CE Oversight Contact Person</b>	<b>Provider Status</b>
Aspine Health Group, Inc.	Juan J. Villa, D.C.	Corporation
Larrie Goldsmith, D.C.	Larrie Goldsmith, D.C.	Individual
Michael Wasilisin	Zee Good	Individual
Oregon Chiropractic Association	Jan Ferrante	Professional Association
Reveal Diagnostics	Christen Gadd	Corporation



## BOARD OF CHIROPRACTIC EXAMINERS MEETING MINUTES

May 10, 2023

In accordance with the statutory provisions of Government Code sections 11125.4, subdivision (a)(1) and 11133, the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on May 10, 2023.

### Board Members Present

David Paris, D.C., Chair  
Rafael Sweet, Secretary  
Janette N.V. Cruz  
Pamela Daniels, D.C.

### Board Members Absent

Laurence Adams, D.C., Vice Chair (Excused)

### Staff Present

Kristin Walker, Executive Officer  
Amanda Ah Po, Enforcement Analyst  
Tammi Pitto, Enforcement Analyst  
Sabina Knight, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

### 1. Open Session – Call to Order / Roll Call / Establishment of a Quorum

Dr. Paris called the meeting to order at 6:05 p.m. Mr. Sweet called the roll. Dr. Adams was excused from the meeting. All other members were present, and a quorum was established.

### 2. Finding of Necessity for Special Meeting Pursuant to Government Code Section 11125.4, subd. (a)(1)

Ms. Knight explained the requirement under Government Code (GC) section 11125.4, subdivision (c) for the Board to make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by GC section 11125 would cause a substantial hardship on the Board.

**Motion: Mr. Sweet moved to make a finding of necessity for the special meeting based on the fact that the Board would be substantially prejudiced in its position in the matter of *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162, and an undue hardship would be placed on the Board if the matter is not discussed today pursuant to Government Code section 11125.4, subdivision (a)(1).**

**Second: Dr. Daniels seconded the motion.**

**Public Comment:** None.

**Vote:** 4-0 (Dr. Paris-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

**Motion:** Carried.

### **3. Closed Session**

The Board met in Closed Session to:

- Confer with and Receive Advice from Legal Counsel Regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162, Pursuant to Government Code Section 11126, subd. (e)

### **4. Adjournment**

Dr. Paris adjourned the meeting at 7:13 p.m.



**Agenda Item 6  
July 20, 2023**

**Review and Possible Ratification of Approved Doctor of Chiropractic License Applications**

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**Purpose of the Item**

The Board will review and ratify the attached list of approved applications for initial Doctor of Chiropractic licenses.

**Action Requested**

The Board will be asked to make a motion to ratify the attached list of approved license applications.

**Background**

Staff reviewed and confirmed that the applicants on the attached list of approved applications for initial Doctor of Chiropractic licenses met all statutory and regulatory requirements for licensure.

**Attachment**

- List of Approved Applications for Initial Doctor of Chiropractic Licenses Issued from April 1, 2023 to June 30, 2023

**List of Approved Applications for Initial Doctor of Chiropractic Licenses  
Issued from April 1, 2023 to June 30, 2023**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.*</b>
James	Thomas	Roman	04/07/2023	<b>DC 35177</b>
Nicollette	Marie	Hemmer	04/07/2023	<b>DC 35178</b>
Lik Shun		Chan	04/07/2023	<b>DC 35179</b>
Nicole	Tara	Solomon	04/07/2023	<b>DC 35180</b>
Tristan		Ginkel	04/27/2023	<b>DC 35181</b>
Marco	Antonio	Lopez	06/13/2023	<b>DC 35182</b>
Amber	Afzal	Majid	06/13/2023	<b>DC 35183</b>
Ayodele	Kolawole	Fadahunsi	06/13/2023	<b>DC 35184</b>
Cory	Dean	Shank	06/13/2023	<b>DC 35185</b>
Cynthia	Vasquez	Eason	04/06/2023	<b>DC 36638</b>
Jonathan	Caesar	Echeverria	04/06/2023	<b>DC 36639</b>
Megan	Eolwyn	Cameron	04/07/2023	<b>DC 36640</b>
Vincent	N.	Tran	04/10/2023	<b>DC 36641</b>
Andrew		Fraczek	04/10/2023	<b>DC 36642</b>
Andrew	James Von	Harrel	04/10/2023	<b>DC 36643</b>
Scott		Shintaku	04/10/2023	<b>DC 36644</b>
Milton		Secord	04/10/2023	<b>DC 36645</b>
Christina		Temple	04/10/2023	<b>DC 36646</b>
Aaron		Pak	04/10/2023	<b>DC 36647</b>
Isaiah		Ahmad	04/10/2023	<b>DC 36648</b>
Jude	Thomas	Hockel	04/10/2023	<b>DC 36649</b>
Parker	Warren	Forbes	04/10/2023	<b>DC 36650</b>
Michael	Stephen	Surovi	04/10/2023	<b>DC 36651</b>
Layla		Yaghoobi	04/10/2023	<b>DC 36652</b>
Amir	Hossein	Shababi	04/18/2023	<b>DC 36653</b>
Tiffany		Duffy	04/18/2023	<b>DC 36654</b>
Ramon		Vargas Jr.	04/18/2023	<b>DC 36655</b>
Jill		Keefer	04/18/2023	<b>DC 36656</b>

**Agenda Item 6  
Attachment**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.*</b>
Luc		Gelinas	04/18/2023	<b>DC 36657</b>
Jeremiah		Kloss	04/20/2023	<b>DC 36658</b>
Ofuche	U.	Kalu	04/25/2023	<b>DC 36659</b>
Septimiu		Coroianu	04/25/2023	<b>DC 36660</b>
Aahana		Chugh	04/25/2023	<b>DC 36661</b>
Melissa		Shaverdian	04/25/2023	<b>DC 36662</b>
Sepideh		Kazemi	04/25/2023	<b>DC 36663</b>
Jessica	Guadalupe	Loera Serna	04/28/2023	<b>DC 36664</b>
Alejandro		Hernandez	05/08/2023	<b>DC 36665</b>
Alejandro		Roman	05/08/2023	<b>DC 36666</b>
Wai Lam		Chu	05/08/2023	<b>DC 36667</b>
Sabrina	Rose	Thomas	05/08/2023	<b>DC 36668</b>
Hunter	Alexander	Pietrzak	05/08/2023	<b>DC 36669</b>
Emily	Foye	Yenie	05/08/2023	<b>DC 36670</b>
Alfredo	Armando	Garcia	05/15/2023	<b>DC 36671</b>
Shannon	Gwynne	Jones	05/15/2023	<b>DC 36672</b>
Aynaz		Khanali	05/15/2023	<b>DC 36673</b>
Melinda	Raye	Turner	05/15/2023	<b>DC 36674</b>
Loren		Couture	05/15/2023	<b>DC 36675</b>
Wing		Wong	05/15/2023	<b>DC 36676</b>
Alyssa		Granados	05/15/2023	<b>DC 36677</b>
Trina	Yin Xiang	Ng	05/15/2023	<b>DC 36678</b>
Desirae		Azua	05/15/2023	<b>DC 36679</b>
Morgan		Fong	05/16/2023	<b>DC 36680</b>
Darby		Lyles	05/16/2023	<b>DC 36681</b>
Zachary		Chak	05/25/2023	<b>DC 36682</b>
Diego		Montes	05/25/2023	<b>DC 36683</b>
Nikelle	Renee	Guzman	05/25/2023	<b>DC 36684</b>
Michael		Collins	05/25/2023	<b>DC 36685</b>

**Agenda Item 6  
Attachment**

<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Date Issued</b>	<b>License No.*</b>
Renee		Gladstone	05/25/2023	<b>DC 36686</b>
Ashley	Helene	Fiala	05/25/2023	<b>DC 36687</b>
Kaleb		Bryant	05/25/2023	<b>DC 36688</b>
Carrie		Kongaika	05/26/2023	<b>DC 36689</b>
Tanner		Jorritsma	05/26/2023	<b>DC 36690</b>
Christopher	Cabrera	Nario	05/26/2023	<b>DC 36691</b>
David	Clark	Howard	05/26/2023	<b>DC 36692</b>
Kathleen	Kar Yan	Chung	05/26/2023	<b>DC 36693</b>
Sarah		Allen	05/26/2023	<b>DC 36694</b>
Sydney		Stephenson	05/26/2023	<b>DC 36695</b>
Jihyun		Kim	06/07/2023	<b>DC 36696</b>
Kyle		Simkovich	06/07/2023	<b>DC 36697</b>
Daniela		Velazquez	06/07/2023	<b>DC 36698</b>
Brandon	Tyler	Mason	06/07/2023	<b>DC 36699</b>
Andrew	Matthew	Gomez	06/07/2023	<b>DC 36700</b>
Dominique		Ragland	06/07/2023	<b>DC 36701</b>
Emmanuel		Gomez	06/09/2023	<b>DC 36702</b>
Paige		Becker	06/14/2023	<b>DC 36703</b>
Kaitlyn	Taylor	Thomas	06/14/2023	<b>DC 36704</b>
Timothy		Sanford	06/27/2023	<b>DC 36705</b>
Sagi	Haim	Hebron	06/27/2023	<b>DC 36706</b>
Kennedy	Alliyah	Root	06/27/2023	<b>DC 36707</b>
John		Emery	06/27/2023	<b>DC 36708</b>
Hannah	Elizabeth	Neckar	06/27/2023	<b>DC 36709</b>
Jacqueline		Georgy	06/27/2023	<b>DC 36710</b>
Larissa	Rose	Smith	06/27/2023	<b>DC 36711</b>
Ashley	Marie	Razzano	06/27/2023	<b>DC 36712</b>
Tyrone	Dalusong	Balucanag	06/27/2023	<b>DC 36713</b>



**Agenda Item 7  
 July 20, 2023**

**Review and Possible Ratification of Approved Continuing Education Provider Applications**

**Purpose of the Item**

The Board will review and ratify the applications for new continuing education (CE) providers.

**Action Requested**

The Board will be asked to make a motion to ratify the following new CE providers:

<b>Provider Name</b>	<b>CE Oversight Contact Person</b>	<b>Provider Status</b>
ChiroZoomCE.com	Donald L. Hayes, D.C.	Individual
Veronica Garcia, MB., MC., dba Porteous Continuing Education Units	Veronica Garcia	Individual
Larry Basch Chiropractic, Inc.	Larry Basch, D.C. and Veronica Garcia	Corporation
David Benevento, D.C.	David Benevento, D.C.	Individual
Jeffry S. Hays, D.C.	Jeffry Hays, D.C.	Corporation

**Background**

Staff reviewed and confirmed that the above CE provider applications meet all regulatory requirements for approval.

**Attachment**

N/A – To maintain compliance with Assembly Bill 434 (Baker, Chapter 780, Statutes of 2017) [State Web accessibility: standard and reports], the Board is unable to provide scanned documents on its website. To obtain a copy of the CE provider applications through a California Public Records Act request, please email [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) or send a written request to the Board’s office at the address above.



**Agenda Item 8  
July 20, 2023**

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**Executive Officer's Report and Updates**

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**Purpose of the Item**

The Executive Officer will provide the Board with an update on:

- A. Administration, Continuing Education, Enforcement, and Licensing Programs**
- B. Business Modernization Project and Implementation of Connect System**
- C. Status of Board's Pending Rulemaking Packages**
- D. Board's 2022–2026 Strategic Plan Objectives**
- E. Board's Budget and Fund Condition**

**Action Requested**

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

**Handout**

A memo containing an update on the Board's programs and statistics, budget and fund condition, pending regulatory proposals, and 2022–2026 Strategic Plan objectives will be distributed as a supplemental handout to these meeting materials.





**Agenda Item 9  
July 20, 2023**

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**Licensing Committee Report**

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**Purpose of the Item**

Committee Chair Pamela Daniels, D.C. will provide the Board with an update on the May 12, 2023 Licensing Committee meeting.

**Action Requested**

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

**Background**

The Committee met by teleconference (Webex) on May 12, 2023, and discussed the following items:

**Regulatory Proposal to Update the Chiropractic College Curriculum Requirements (Amend California Code of Regulations [CCR], Title 16, Section 331.12.2 and Add CCR, Title 16, Section 331.12.3)**

The Board's current college curriculum requirements are contained in CCR, title 16, section 331.12.2. On July 16, 2020, the Board approved proposed regulatory language to discontinue these prescriptive requirements for applicants who matriculated after 2020, and instead, mandate that colleges ensure all graduates have completed the minimum educational requirements identified in Section 5 of the Chiropractic Initiative Act.

During the December 9, 2022 meeting, the Committee considered the proposed revisions to the curriculum requirements (CCR, title 16, sections 331.12.2 and 331.12.3) and discussed the public safety benefits of the Board potentially retaining some authority and oversight over the clinical component of the doctor of chiropractic educational program. At the January 20, 2023 meeting, the Board voted to return the proposed text for CCR, title 16, sections 331.12.2 and 331.12.3 to the Committee for further study and discussion.

At the May 12, 2023 meeting, the Committee discussed the feedback the Board recently received during a roundtable discussion with representatives of the Council on Chiropractic Education (CCE) and chiropractic colleges about the overly prescriptive nature of Section 5 of the Chiropractic Initiative Act of California and the Board's chiropractic college curriculum requirements.

Dr. Daniels also briefed participants on her subsequent detailed discussions with representatives from that initial meeting and her extensive research on the competency-based educational models and entrustable professional activities (EPAs) used in other health care professions. The Committee discussed the need to revise the regulatory language for the chiropractic college curriculum requirements to be more contemporary and less prescriptive to allow for the progression of practice and education in the future while also considering the unique needs of California's patient population, such as education in the areas of dermatology and pharmacology. The Committee also considered how the clinic component of the doctor of chiropractic educational program is the closest equivalent to an EPA for chiropractic and the importance of ensuring a student's competence in the necessary elements of diagnosing a patient, providing the service or treatment, and reassessing the patient to determine the need for additional care or when maximum medical improvement has been achieved.

Staff is currently updating the draft language for this proposal to reflect the policy discussion and direction provided by the Committee.

### **Chiropractic College Preceptorship and Postceptorship Clinical Experience Programs**

Business and Professions Code section 1006.5, subdivision (s) authorizes the Board to collect a fee of \$72 from those who "apply for approval to serve as a preceptor." However, other than CCR, title 16, section 312 (Illegal Practice), which provides an exemption for "student doctors participating in board approved preceptorship programs," the Board's regulations do not address students' participation in these programs.

During this meeting, staff provided a presentation on the existing process for approving preceptor requests and a comparison of the approval processes implemented by other state chiropractic licensing boards. Following the presentation, the Committee began an initial policy discussion regarding the need to develop regulations regarding the approval of chiropractic college preceptorship programs. The Committee considered how the preceptorship program should be defined in regulations, including the minimum qualifications and expectations of the preceptor and student intern, and discussed setting a reasonable limitation on the length of time a graduate can participate in a postceptorship program, such as six months or one year, and the need to update the Board's preceptor form to collect additional information regarding the intern's participation in the program.

The Committee recommended that staff gather further information on the preceptorship programs administered by out-of-state chiropractic colleges and begin preparing a proposal for the Committee's consideration. Staff is developing a proposal based on the Committee's feedback and direction.

### **Attachment**

- May 12, 2023 Licensing Committee Notice and Agenda



**Agenda Item 9  
Attachment**

**NOTICE OF TELECONFERENCE  
LICENSING COMMITTEE MEETING**

**Committee Members**

Pamela Daniels, D.C., Chair  
Janette N.V. Cruz

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

**Friday, May 12, 2023  
10:30 a.m. to 12:30 p.m.**  
(or until completion of business)

**The Committee may take action on any agenda item.**

**Teleconference Instructions:** The Licensing 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=mf869e5746644995722183d1649482927>

**If joining using the link above**

Webinar number: 2498 681 3513  
Webinar password: BCE05122023

**If joining by phone**

+1-415-655-0001 US Toll  
Access code: 249 868 13513  
Passcode: 22305122

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](mailto:XXXXX@mailinator.com).

**Note:** Members of the public may also submit written comments to the Committee on any agenda item by Tuesday, May 9, 2023. Written comments should be directed to [chiro.info@dca.ca.gov](mailto: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 February 24, 2023 Committee Meeting Minutes**
- 3. Update on Board's Licensing Program**
- 4. Review, Discussion, and Possible Recommendation Regarding Regulatory Proposal to Update the Chiropractic College Curriculum Requirements (amend California Code of Regulations [CCR], Title 16, section 331.12.2 and add CCR, Title 16, section 331.12.3)**
- 5. Review, Discussion, and Possible Recommendation Regarding Chiropractic College Preceptorship and Postceptorship Clinical Experience Programs**
- 6. 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).]
- 7. 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.]
- 8. Adjournment**

This agenda can be found on the Board's website at [www.chiro.ca.gov](http://www.chiro.ca.gov). The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

The Board plans to webcast this meeting at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please attend the meeting via Webex Events.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to it taking any action 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](mailto: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.



**Agenda Item 10**  
**July 20, 2023**

## **Enforcement Committee Report**

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### **Purpose of the Item**

The Board will:

- A. Receive an update from Committee Chair Laurence Adams, D.C. on the June 8, 2023 Enforcement Committee meeting;
- B. Review, discuss, and possibly act on the Committee's recommendation regarding the regulatory proposal concerning discipline against licensees by other jurisdictions and licensee reporting of convictions, disciplinary actions, and other violations to the Board (amend California Code of Regulations [CCR], title 16, sections 304 and 314); and
- C. Review, discuss, and possibly act on the Committee's recommendation regarding the regulatory proposal concerning continuing education (CE) requirements for petitions for reinstatement of revoked or surrendered licenses (amend CCR, title 16, section 365).

### **Action Requested**

The Board will be asked to consider the Committee's recommendations to approve the proposed text to amend CCR, title 16, sections 304, 314, and 365 and initiate the rulemaking process.

### **Background**

The Committee met by teleconference (Webex) on June 8, 2023, and discussed the following regulatory proposals:

#### **Discipline Against Licensees by Other Public Agencies and Licensee Reporting of Convictions, Disciplinary Actions, and Other Violations to the Board (Amend CCR, Title 16, Sections 304 and 314)**

At the May 19, 2016 Board meeting, as part of a planned comprehensive Consumer Protection Enforcement Initiative (CPEI) regulatory package, the Board approved proposed language to amend CCR, title 16, sections 304 (Discipline by Another Jurisdiction) and 314 (Law Violators) and to add CCR, title 16, section 317.3 (Licensee Reporting Requirements). Staff subsequently merged section 317.3 with section 314 to place the licensee reporting requirements in a single section.

At the June 8, 2023 meeting, the Committee reviewed the 2016 regulatory language and engaged in a policy discussion regarding: 1) the Board's authority to take action against a licensee based on the fact that they have been disciplined in other jurisdiction; 2) the need to clarify a licensee's duty and obligation to report any violation of the Chiropractic Initiative Act (Act) and Board regulations committed by any individual; and 3) the actions against a licensee that must be self-reported to the Board.

Following the discussion, the Committee voted to move the proposal to amend CCR, title 16, sections 304 (Discipline by Another Jurisdiction) and 314 (Licensee Reporting Requirements) to the Board for consideration. Staff subsequently revised the proposed text to reflect the Committee's comments and recommendations. This proposed text can be found in Attachment 2 and has been reviewed and approved by the Board's regulatory legal counsel.

#### Amend CCR, Title 16, Section 304 (Discipline by Another Jurisdiction)

This proposal to amend CCR, title 16, section 304 expands the Board's authority to take action against a licensee based on any disciplinary action taken against the licensee by another licensing entity or authority in California or another state, an agency of the federal government, the United States military, or another country for any act or conduct that is substantially related to the practice of chiropractic. The existing regulation limits the Board's authority to the discipline of a license or certificate to practice chiropractic or any other health care profession by another state.

The proposal enhances consumer protection by ensuring the Board can take appropriate disciplinary action against a licensee who has been disciplined by any other state or federal agency, rather than just "another state," if the licensee's act or conduct is substantially related to the practice of chiropractic in California. In addition, this proposal provides consistency in making the determination of a substantial relationship between the licensee's act or conduct and the practice of chiropractic by aligning it with the Board's existing criteria found in CCR, title 16, section 316.5.

#### Amend CCR, Title 16, Section 314 (Licensee Reporting Requirements)

This proposal to amend CCR, title 16, section 314 clarifies the existing duty of each licensee to notify the Board in writing of any violation of the Act, statutes governing the practice of chiropractic, or Board regulations, committed by any individual, such as another licensee or an unlicensed person, so the Board may take appropriate action against the individual. Through the addition of "by any individual" to this text, the proposal underscores the obligation of every licensee to inform the Board when they observe or are made aware of a violation.

In addition, the proposal imposes a new requirement for licensees to report the following actions against themselves to the Board in writing within 30 days of any such occurrence: 1) the bringing of an indictment or information charging a felony; 2) an arrest; 3) a conviction of any felony or misdemeanor; and 4) any disciplinary action

taken by another state or federal agency, the United States military, or another country. The proposed subdivision (e) clarifies that the making this required report to the Board shall not be construed as an admittance of wrongdoing by the licensee.

This proposal enhances consumer protection by ensuring the Board receives timely reports of actions taken against licensees and notifications of violations of the Act and Board regulations committed by any individual so the Board can initiate investigations and take appropriate action to protect the public, if warranted.

At this meeting, the Board is asked to consider the Committee's recommendation and the proposed language to amend CCR, title 16, sections 304 and 314. If the Board wishes to proceed with the regulatory proposal as drafted, staff recommends that the Board make the following motion:

**Suggested Motion:** Approve the proposed regulatory text for California Code of Regulations (CCR), title 16, sections 304 and 314 in Attachment 2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations for CCR, title 16, sections 304 and 314 as noticed.

### **Continuing Education Requirements for Petitions for Reinstatement of Revoked or Surrendered Licenses (Amend CCR, Title 16, Section 365)**

CCR, title 16, section 365 states:

“Any person making application for reinstatement or restoration of a license which has been revoked shall be required to fulfill the continuing education requirements for each year the license was revoked and may be required to complete an approved course of continuing education, or to complete such study or training as the board deems appropriate.”

During the October 6, 2022 meeting, the Continuing Education Committee discussed how the Board frequently observes that petitioners repeat the same CE courses to fulfill this requirement instead of completing a variety of courses because the Board's regulations do not restrict or prohibit them from earning CE credit multiple times by repeating a course. The Committee also discussed how petitioners whose licenses have been revoked or surrendered for at least five years should be required to take and pass the National Board of Chiropractic Examiners (NBCE) Part IV examination in order to be reinstated. Following the discussion, the Committee recommended the Enforcement Committee discuss amending CCR, title 16, section 365 to: 1) limit the



repetition of CE courses by petitioners; 2) consider requiring the NBCE Part IV examination before reinstatement of a license that has been revoked or surrendered for five years or more; and 3) consider setting a maximum of four renewal cycles of CE.

At the June 8, 2023 meeting, the Enforcement Committee reviewed and discussed these recommendations. Following the discussion, the Committee recommended that CCR, title 16, section 365 be amended to include a maximum cap of 96 hours (equivalent to four renewal cycles), including the mandatory hours and subject areas, and to prohibit a petitioner from receiving credit for a repeated course.

The Committee also discussed the use of the NBCE Part IV examination to assess current competency for petitioners whose licenses have been revoked or surrendered for five years or more. While the Committee generally agreed with this recommendation, the Committee discussed potential circumstances where the Board may wish to retain and exercise its discretion when issuing a petition decision, and suggested that this recommendation be incorporated into the proposed revisions to the Board's *Disciplinary Guidelines*.

Staff subsequently drafted proposed text to amend CCR, title 16, section 365 to reflect the Committee's recommendation. This proposed text can be found in Attachment 3 and has been reviewed and approved by the Board's regulatory legal counsel.

At this meeting, the Board is asked to consider the Committee's recommendation and the proposed language to amend CCR, title 16, section 365. If the Board wishes to proceed with the regulatory proposal as drafted, staff recommends that the Board make the following motion:

**Suggested Motion:** Approve the proposed regulatory text for California Code of Regulations (CCR), title 16, section 365 in Attachment 3, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation for CCR, title 16, section 365 as noticed.

### **Filing and Evaluation Process for Petitions for Reinstatement of Licensure, Reduction of Penalty, and Early Termination of Probation (Add CCR, Title 16, Section 385)**

During this meeting, the Committee also reviewed and discussed a 2016 CPEI proposal to establish a regulation for the petition process and incorporate the petition forms by reference, and evaluated the petition instructions and forms currently used by the Medical Board of California and the Physical Therapy Board of California.

The Committee supported staff's recommendation to make the following additional changes to this proposal to improve the petition process and enhance consumer protection:

- Prohibit a petitioner from being heard while they are under sentence for any criminal offense, including any period during which they are on court-imposed probation or parole, or while they are subject to registration as a tier-two or tier-three sex offender.
- Prohibit a probationer's petition from being heard while there is an accusation or petition to revoke probation pending against them.
- Require a narrative statement with each petition addressing the cause(s) for discipline and describing the petitioner's rehabilitative efforts, the reasons the petitioner's request should be granted, and the petitioner's plans if their license is reinstated or their request for modification or early termination of probation is granted.
- Require a minimum of two verified recommendations from doctors of chiropractic or other health professionals licensed in any state who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed.
- Establish a process for handling the abandonment of a petition application.

Staff is updating the regulatory language and petition forms based on the feedback and direction provided by the Committee and plans to present this proposal to the Board for consideration at the October 2023 meeting.

### **Attachments**

1. June 8, 2023 Enforcement Committee Notice and Agenda
2. Proposed Regulatory Language to Amend California Code of Regulations, Title 16, Sections 304 (Discipline by Another Jurisdiction) and 314 (Licensee Reporting Requirements)
3. Proposed Regulatory Language to Amend California Code of Regulations, Title 16, Section 365 (Continuing Education Requirements for Petitions for Reinstatement of Licensure)



**Agenda Item 10  
Attachment 1**

**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:**

**Thursday, June 8, 2023  
12:00 p.m. to 2:00 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=mfe5c2bcfbc4d1a1306cf2e611fc6b130>

**If joining using the link above**

Webinar number: 2487 692 2639  
Webinar password: BCE06082023

**If joining by phone**

+1-415-655-0001 US Toll  
Access code: 248 769 22639  
Passcode: 22306082

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](mailto:XXXXX@mailinator.com).

**Note:** Members of the public may also submit written comments to the Committee on any agenda item by Monday, June 5, 2023. Written comments should be directed to [chiro.info@dca.ca.gov](mailto: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 March 2, 2023 Committee Meeting Minutes**
- 3. Update on Board's Enforcement Program**
- 4. Review, Discussion, and Possible Recommendation Regarding Discipline Against Licensees by Other Public Agencies and Licensee Reporting of Convictions, Disciplinary Actions, and Other Violations to the Board (amend California Code of Regulations [CCR], Title 16, sections 304 and 314)**
- 5. Review, Discussion, and Possible Recommendation Regarding the Filing and Evaluation Process for Petitions for Reinstatement, Reduction of Penalty, and Early Termination of Probation (amend CCR, Title 16, section 365 and add CCR, Title 16, section 385)**
- 6. 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).]
- 7. 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.]
- 8. Adjournment**

This agenda can be found on the Board's website at [www.chiro.ca.gov](http://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.

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## BCE Enforcement Committee Meeting Agenda

June 8, 2023

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](mailto: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.

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

PROPOSED REGULATORY LANGUAGE

Discipline by Another Jurisdiction and Licensee Reporting Requirements

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by <del>strikeout</del> .
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Amend Sections 304 and 314 of Division 4 of Title 16 of the California Code of Regulations to read as follows:

**§ 304. Discipline by Another State Jurisdiction.**

(a) The revocation, suspension, or other discipline Any disciplinary action taken against a licensee by another licensing entity or authority of this state or of another state, an agency of the federal government, the United States military, or another country of a license or certificate to practice chiropractic, or any other health care profession for which a license or certificate is required, for any act or conduct that is substantially related to the practice of chiropractic under Section 316.5 shall constitute unprofessional conduct and grounds for disciplinary action against a chiropractic the licensee or grounds for the denial of chiropractic licensure of an applicant in this state.

(b) For purposes of this section, "disciplinary action" means any revocation, suspension, probation, restriction, reprimand, reproof, censure, or other limitation or condition of a professional license, certificate, registration, permit, or comparable authority.

NOTE: Authority cited: Sections 4(b) and 10(a) of the Chiropractic Initiative Act of California, (Stats. 1923, p. lxxxviii). Reference: Section 141 of the Business and Professions Code and Sections 4(b) and 10(a) of the Chiropractic Initiative Act of California, (Stats. 1923, p. lxxxviii).

**§ 314. ~~Law Violators~~ Licensee Reporting Requirements.**

(a) It shall be the duty of every licensee to notify the Executive Officer or his or her designee Board in writing of any violation of the Chiropractic Initiative aAct of California, the statutes governing the practice of chiropractic, or of these rules and regulations, by any individual, in order that the bBoard may take appropriate disciplinary action.

(b) A licensee shall report any of the following actions against such licensee to the

Board in writing within 30 calendar days of the date of any such occurrence:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The arrest of the licensee.

(3) The conviction of the licensee, including any verdict of guilty or plea of guilty or no contest, of any felony or misdemeanor.

(4) Any disciplinary action taken against the licensee by another licensing entity or authority of this state or of another state, an agency of the federal government, the United States military, or another country.

(c) For purposes of this section, "in writing" means a written communication sent to the Board's office by United States certified mail or overnight courier service or by email with confirmed read receipt or affirmative acknowledgement of receipt by the Board.

(d) Failure to comply with the requirements of this section constitutes unprofessional conduct and shall subject the licensee to disciplinary action.

(e) Reporting of any such occurrences described in subsection (b) of Section 314 shall not in any way be construed by the Board as an admittance of automatic wrongdoing by the licensee.

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

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

PROPOSED REGULATORY LANGUAGE

Continuing Education Requirements for Petitions for Reinstatement of Licensure

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by <del>strikeout</del> .
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Amend Section 365 of Division 4 of Title 16 of the California Code of Regulations to read as follows:

**§ 365. Continuing Education Requirements for Petitions for Reinstatement of Revoked or Surrendered Licenses.**

(a) Any person ~~making application~~ petitioning for reinstatement ~~or restoration~~ of a revoked or surrendered license ~~which has been revoked~~ shall be required to fulfill the annual continuing education requirements of Section 361 for each year the license was ~~revoked or surrendered~~, up to a maximum of 96 hours of continuing education ~~and may be required to complete an approved course of continuing education, or to complete such study or training as the board deems appropriate. This requirement shall be fulfilled before the Board schedules a petition hearing date.~~

(b) A petitioner shall only earn continuing education credit required by this section and Section 361 after the effective date of the disciplinary decision ordering the revocation or surrender of the petitioner's license. Any continuing education course or activity completed while there is a pending disciplinary action and prior to the effective date of a disciplinary decision, shall not count as credit.

(c) The Board shall only grant a petitioner continuing education credit one time for completion of a specific continuing education course or activity. The Board shall not grant a petitioner credit for repeating a continuing education course or activity that the petitioner previously completed. For purposes of this subsection (c), a course or activity is considered repeated if it is offered by the same provider, with the same title, content, or course approval number, and is identical to a course or activity previously submitted for Board consideration.

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



Chiropractic Initiative Act of California, Stats. 1923, p. 41xxxviii), Section 1003, subd. (b) of the Business and Professions Code, and Section 11522 of the Government Code.



**Agenda Item 11  
July 20, 2023**

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**Government and Public Affairs Committee Report**

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**Purpose of the Item**

Committee Chair Janette N.V. Cruz will provide the Board with an update on the June 16, 2023 Government and Public Affairs Committee meeting.

**Action Requested**

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

**Background**

The Committee met by teleconference (Webex) on June 16, 2023, and discussed the following items:

**Status, Tracking, and Reporting of 2022–2026 Strategic Plan Objectives**

The Committee received an update from staff on the status of the Board's 2022–2026 Strategic Plan objectives. Staff presented a tool that was developed by the Department of Consumer Affairs (DCA) SOLID Planning Solutions to measure and track staff's progress in completing the specific tasks associated with the strategic plan objectives. The Committee provided feedback and suggestions to staff regarding the visual representation of their progress on these objectives and also discussed the creation of an electronic Board member resource center to centrally access updates, meeting materials, and other resources.

**2022–2026 Strategic Plan Objective 3.3 to Create an Outreach Plan to Improve Communication with Stakeholders, Share Helpful Information, and Clarify the Board's Role and Duties**

The Board's 2022–2026 Strategic Plan contains an objective to create an outreach plan to improve communication with stakeholders, share helpful information, and clarify the Board's role and duties.

Staff identified potential opportunities to directly engage with distinct groups of stakeholders – the public/patients, licensees, applicants, students, chiropractic colleges, continuing education providers, professional associations, other state agencies, and other state chiropractic boards – through the development of updated website content and targeted communications for these groups.

Proposed Outreach and Communication Plan

Audience	Communication Plan
General Public and Chiropractic Patients	<ul style="list-style-type: none"> <li>• Update the “Consumers” section of the Board’s website with additional information and resources to assist consumers in knowing what to expect when visiting a chiropractic practice</li> <li>• Develop relevant social media content and videos based on these consumer resources</li> </ul>
Licensees	<ul style="list-style-type: none"> <li>• Expand the “Licensees” section of the Board’s website to include informative guides on licensing applications and requirements</li> <li>• Update the Frequently Asked Questions (FAQs) to provide helpful solutions to common licensee questions</li> <li>• Develop and post instructions for navigating and completing transactions in the Connect system</li> <li>• Create a database of social media content based on common licensee issues and reminders (i.e., office closures, license renewals, availability of the Connect system, etc.)</li> </ul>
Applicants	<ul style="list-style-type: none"> <li>• Update the “Applicants” section of the Board’s website to include the steps for applying for initial licensure and information regarding the background check process</li> <li>• Create FAQs to assist applicants in understanding the licensure requirements</li> </ul>
Students	<ul style="list-style-type: none"> <li>• Send welcome messages to new chiropractic students and congratulatory messages to graduating students</li> <li>• Conduct presentations for students on the licensure process and tips to avoid common enforcement violations</li> </ul>
Chiropractic Colleges	<ul style="list-style-type: none"> <li>• Provide a quarterly update to chiropractic colleges on the Board’s activities and proposals</li> <li>• Schedule listening sessions to solicit feedback</li> </ul>
Continuing Education Providers	<ul style="list-style-type: none"> <li>• Update and expand the continuing education content on the Board’s website</li> <li>• Create and disseminate a quarterly update to continuing education providers</li> <li>• Schedule listening sessions to solicit feedback</li> </ul>

Audience	Communication Plan
Professional Associations	<ul style="list-style-type: none"> <li>• Conduct presentations regarding the Board and issues of importance to members</li> <li>• Create and disseminate a quarterly update to professional associations</li> </ul>
Other State Agencies and Chiropractic Boards	<ul style="list-style-type: none"> <li>• Develop relationships with other state agencies and other chiropractic boards to facilitate the sharing of information and discussion of emerging issues</li> </ul>

During the meeting, the Committee discussed the proposed outreach and communication plan and outreach methods used by other DCA boards. The Committee suggested that staff also incorporate analytics to measure the effectiveness of the outreach efforts and obtain external feedback on the user experience of the Board’s website and Connect system.

**2022–2026 Strategic Plan Objective 5.4 to Re-Design the Board Member Onboarding Procedures and Orientation Process**

The Board’s 2022–2026 Strategic Plan also contains an objective to re-design the Board member onboarding procedures and orientation process to create effective Board members.

During the meeting, the Committee continued its discussion regarding planned improvements to the onboarding and orientation process of new Board members (Attachment 2) and provided feedback to staff on the proposed outline for the new Board member orientation session (Attachment 3). Based on this feedback, staff is developing and compiling materials for the new Board Member Resource Binder and creating an electronic Board member resource center.

**Attachments**

1. June 16, 2023 Government and Public Affairs Committee Notice and Agenda
2. Onboarding Process for New Board Members
3. Proposed Outline for New Board Member Orientation Session



**Agenda Item 11  
Attachment 1**

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

**Committee Members**

Janette N.V. Cruz, Chair  
Rafael Sweet

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

**Friday, June 16, 2023**  
**1:00 p.m. to 3:00 p.m.**  
(or until completion of business)

**The Committee may take action on any agenda item.**

**Teleconference Instructions:** The Government and Public Affairs 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=m15d45c7bccba91ddb9b3d712eb9f3a5e>

**If joining using the link above**

Webinar number: 2484 594 5742  
Webinar password: BCE06162023

**If joining by phone**

+1-415-655-0001 US Toll  
Access code: 248 459 45742  
Passcode: 22306162

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](mailto:XXXXX@mailinator.com).

**Note:** Members of the public may also submit written comments to the Committee on any agenda item by Tuesday, June 13, 2023. Written comments should be directed to [chiro.info@dca.ca.gov](mailto: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 March 13, 2023 Committee Meeting Minutes**
- 3. Update on Board’s Administration Program, Including Budget and Fund Condition, Business Modernization and Implementation of Connect System, and Status of Board’s Pending Rulemaking Packages**
- 4. Update and Discussion on the Status, Tracking, and Reporting of 2022–2026 Strategic Plan Objectives**
- 5. Review, Discussion, and Possible Recommendation Regarding 2022–2026 Strategic Plan Objective 3.3 to Create an Outreach Plan to Improve Communication with Stakeholders, Share Helpful Information, and Clarify the Board’s Role and Duties**
- 6. Review, Discussion, and Possible Recommendation Regarding 2022–2026 Strategic Plan Objective 5.4 to Re-Design the Board Member Onboarding Procedures and Orientation Process**
- 7. Public Comment for Items Not on the Agenda**  
Note: Members of the public may offer public comment for items not on the agenda. However, the Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).]
- 8. Future Agenda Items**  
Note: Members of the Committee and the public may submit proposed agenda items for a future Committee meeting. However, the Committee may not discuss or take action on any proposed matter except to decide whether to place the matter on the agenda of a future meeting. [Government Code Section 11125.]
- 9. Adjournment**

This agenda can be found on the Board’s website at [www.chiro.ca.gov](http://www.chiro.ca.gov). The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

The Board plans to webcast this meeting at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please attend the meeting via Webex Events.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to it taking any action 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](mailto: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.

## **Onboarding Process for New BCE Board Members**

### During 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 scheduled Board meeting and their preferred contact information (phone, email, and mailing address), informs them that a welcome package will be sent to them, and schedules an initial meet-and-greet session.
- The Board Liaison emails and ships a 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 Two Weeks

- The Executive Officer hosts an initial meet-and-greet session for the new member. Participants include the Board Chair, Executive Officer, Assistant Executive Officer, and Board Liaison. Following introductions, the group will discuss the new member's goals and interests.
- Following the meet-and-greet session, the Board Chair will identify a current Board member to act as a mentor to the new member. The Executive Officer will facilitate the introduction of the mentor and new member.
- The Board Chair will also identify committee assignment(s) for the new member. The Executive Officer will facilitate the introduction of the new member to the committee chair(s).
- The Executive Officer and Board Liaison will assist the new member with any questions regarding the mandatory paperwork, ensure all deadlines are met, and submit the completed forms to the Department of Consumer Affairs (DCA) Office of Human Resources and Board and Bureau Relations.
- The Executive Officer and Board Liaison will coordinate and schedule an orientation session with the new member and also encourage the new member to sign up for the next available Board Member Orientation Training (BMOT) session offered by DCA.

### Within 30-45 Days

- The Executive Officer conducts an orientation session with the new member at the Board's office or via videoconference. Participants include the Executive Officer, Assistant Executive Officer, Board Liaison, Board's legal counsel, and the mentor, if available.



### Before the New Member's First Mail Vote

- The Executive Officer facilitates a meeting with the new member and the Board's legal counsel to discuss any questions regarding the mail vote process and the member's role in the disciplinary process. The Executive Officer may only participate in the discussion if the matter involves a stipulated settlement.

### Before the New Member's First Committee Meeting

- The Executive Officer schedules a meeting with the new member and the Committee Chair to review and discuss the meeting agenda and materials and answer any questions the new member may have prior to their first meeting.

### Before the New Member's First Board Meeting

- The Executive Officer schedules a meeting with the new member and the mentor to review and discuss the meeting agenda and materials and answer any questions the new member may have prior to their first meeting.

### As Needed (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 Board Member Resource Binder. The documents will also be posted in a shared cloud folder for electronic access by Board members.

## **Proposed Outline for New Board Member Orientation Session**

### Overview of the Board and the Chiropractic Profession

- Brief history of the Board and the regulation of chiropractic in California
- Introduction to the Chiropractic Initiative Act of California and key regulations
- Identify current Board members and staff
- Overview of the Board's four policy committees and current projects and proposals being considered at the committee and Board level
- Brief overview of the legislative and regulatory processes, including the Board's role
- Format for Board and committee meetings, including an overview of Robert's Rules of Order
- Brief background on stakeholder groups and related state agencies

### Overview of the Department of Consumer Affairs

- Understand DCA's role and services provided to the Board
- Overview of the other DCA healing arts boards

### Legal Overview: Bagley-Keene Open Meeting Act

- Understand the legal requirements for public meetings and communications between Board members outside of meetings
- Educate member on how to handle inquiries received from applicants and respondents

### Enforcement Process and Disciplinary Procedures

- Overview of the complaint intake, investigation, and case closure processes
- Educate member on their role in the disciplinary process and the Board's voting procedures
- Understand how to apply the Board's *Disciplinary Guidelines* to disciplinary cases

### Licensing and Continuing Education Overview

- Overview of the Board's license/certificate types, including the minimum qualifications and application processes
- Understand the Board's role in regulating chiropractic colleges and approving continuing education providers and courses

### Administrative Functions

- Overview of the Board's administrative functions
- Understand the process for claiming per diem and travel expenses



## Agenda Item 12 July 20, 2023

### **Review, Discussion, and Possible Action on Legislation Related to the Board, the Chiropractic Profession, DCA, and/or Other Healing Arts Boards**

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#### **Purpose of the Item**

Staff will provide the Board with an update on bills related to the Board, the chiropractic profession, the Department of Consumer Affairs (DCA), and other healing arts boards that have been introduced during the 2023-24 legislative session.

#### **Action Requested**

Following staff's presentation of these bills, the Board will have an opportunity to discuss and take a position on the bills.

#### **Background**

Below is an overview of the bills that will be discussed during the meeting.

Hyperlinks to the legislation, status, and analyses are included in this document to ensure access to current information, as legislation is frequently amended.

#### **A. [Assembly Bill \(AB\) 765 \(Wood\)](#) Physicians and surgeons: medical specialty titles.**

**Status:** Dead for 2023 – held under submission in the Assembly Appropriations Committee

**Bill Analyses:** 05/01/2023 – Assembly Appropriations  
04/07/2023 – Assembly Business and Professions

**Next Hearing Date:** N/A

**Summary:** This bill, known as the California Patient Protection, Safety, Disclosure, and Transparency Act, would make legislative findings and declarations regarding the use of titles, advertising, and communications by health care providers and would, except as prescribed, make it a misdemeanor for any person who does not have a valid, unrevoked, and unsuspended physician and surgeon certificate to use any medical specialty title, as specified, or any titles, terms, letters, words, abbreviations, description of services, designations, or insignia, alone or in combination with any other title, indicating or implying that the person is licensed to practice as such.

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The bill specifies that a medical specialty title includes the names or titles “anesthesiologist,” “cardiologist,” “dermatologist,” “doctor of osteopathic medicine,” “emergency physician,” “endocrinologist,” “family physician,” “gastroenterologist,” “general practitioner,” “gynecologist,” “hematologist,” “hospitalist,” “internist,” “interventional pain medicine physician,” “laryngologist,” “medical doctor,” “nephrologist,” “neurologist,” “obstetrician,” “oncologist,” “ophthalmologist,” “orthopedic surgeon,” “orthopaedic surgeon,” “orthopedist,” “orthopaedist,” “osteopathic surgeon,” “otologist,” “otolaryngologist,” “otorhinolaryngologist,” “pathologist,” “pediatrician,” “perinatologist,” “plastic surgeon,” “primary care physician,” “proctologist,” “psychiatrist,” “radiologist,” “reproductive endocrinologist,” “rheumatologist,” “rhinologist,” “surgeon,” “urogynecologist,” or “urologist.”

This bill does not prevent a person holding a current and active license under another healing arts chapter from using any term identified on their license, certificate, or registration, or from making any truthful statement that they specialize in a service or field that is within their licensed scope of practice and that does not contain any of the medical specialty titles specified above.

**Estimated Fiscal Impact on the Board:** This bill would cause a significant and unabsorbable impact to the Board’s Administration and Enforcement Programs. Staff anticipates the additional workload and costs from this bill will require 2.5 analyst positions—one full-time and 1.5 two-year limited-term positions—and a budget augmentation of \$459,000 in fiscal years 2024-25 and 2025-26, and \$186,000 in 2026-27 and ongoing, to carry out the necessary outreach, education, regulatory changes, and enforcement created by this bill.

**Staff Recommendation: Take OPPOSE UNLESS AMENDED Position**

### B. [AB 796 \(Weber\)](#) Athletic trainers.

**Status:** Referred to the Senate Committee on Business, Professions and Economic Development

**Bill Analyses:** 05/26/2023 – Assembly Floor Analysis  
05/24/2023 – Assembly Floor Analysis  
05/08/2023 – Assembly Appropriations  
04/24/2023 – Assembly Business and Professions  
04/07/2023 – Assembly Arts, Entertainment, Sports, and Tourism

**Next Hearing Date:** TBA

**Summary:** This bill would enact the Athletic Training Practice Act and establish, until January 1, 2028, the Athletic Trainer Registration Committee within the Medical

Board of California to register athletic trainers. This bill would prohibit the use of the title “athletic trainer,” “certified athletic trainer,” “licensed athletic trainer,” or “registered athletic trainer,” or any other term that implies or suggests the person is an athletic trainer unless the person certified by a certifying entity for athletic trainers and registered by the committee.

This bill would define the practice of athletic training, specify requirements for registration, and require an athletic trainer to practice under the supervision of a physician or surgeon.

**Estimated Fiscal Impact on the Board:** None.

**Staff Recommendation:** Continue to WATCH

**C. [AB 814 \(Lowenthal\)](#) Veterinary medicine: animal physical rehabilitation.**

**Status:** Referred to the Senate Committee on Business, Professions and Economic Development

**Bill Analyses:** 05/19/2023 – Assembly Floor Analysis  
05/15/2023 – Assembly Appropriations  
04/22/2023 – Assembly Business and Professions

**Next Hearing Date:** TBA

**Summary:** This bill would authorize a licensed physical therapist to be registered with the Veterinary Medical Board (VMB) as a registered animal physical therapist and to provide animal physical rehabilitation, as defined, to an animal if specified requirements are met, including that the registered animal physical therapist performs all delegated animal rehabilitation tasks under the supervision of a veterinarian who has an established veterinarian-client-patient-relationship with the animal. This bill would also authorize an animal physical rehabilitation assistant, as defined, to assist with delegated animal rehabilitation tasks subject to specified conditions, including that the tasks are performed under the direct supervision of a registered animal physical therapist.

This bill would require VMB to determine qualifications necessary for a physical therapist to register with VMB to provide animal physical rehabilitation and would require VMB to determine the registration process. This bill would also authorize VMB to discipline a registered animal physical therapist and would require VMB to report disciplinary actions against a registered physical therapist to the Physical Therapy Board of California. In addition, the bill would require the owner or operator of an animal physical rehabilitation facility, as defined, to submit a registration application and fee to VMB.

**Estimated Fiscal Impact on the Board:** None.

**Staff Recommendation:** Continue to WATCH

D. **AB 883 (Mathis)** Business licenses: United States Department of Defense SkillBridge program.

**Status:** Referred to the Senate Appropriations Committee

**Bill Analyses:** 07/10/2023 – Senate Military and Veterans Affairs  
06/08/2023 – Senate Business, Professions and Economic Development  
05/24/2023 – Assembly Floor Analysis  
04/18/2023 – Assembly Appropriations  
03/24/2023 – Assembly Business and Professions

**Next Hearing Date:** TBA

**Summary:** This bill would require, on or after July 1, 2024, a DCA board to expedite, and authorize the board to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program.

The SkillBridge program is an opportunity for service members to gain civilian work experience through specific industry training, apprenticeships, or internships during the last 180 days of military service prior to release from active duty.

**Estimated Fiscal Impact on the Board:** This bill will require approximately \$1,696 in staff time to develop a regulation package to update the initial license application form that is incorporated by reference to comply with the provisions of this bill. This impact is absorbable within the Board's existing resources and workload.

**Staff Recommendation:** Maintain SUPPORT Position

E. **AB 996 (Low)** Department of Consumer Affairs: continuing education: conflict-of-interest policy.

**Status:** In Senate – ordered to third reading

**Bill Analyses:** 07/05/2023 – Senate Floor Analyses  
06/16/2023 – Senate Business, Professions and Economic Development  
05/19/2023 – Assembly Floor Analysis

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05/15/2023 – Assembly Appropriations  
04/21/2023 – Assembly Business and Professions

**Next Hearing Date:** N/A

**Summary:** This bill would require any DCA board or bureau that is responsible for approving continuing education providers or courses to develop and maintain a conflict-of-interest policy that, at a minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course, and requires conflicts to be disclosed at the beginning of each continuing education course.

**Estimated Fiscal Impact on the Board:** This bill will require approximately \$2,840 in staff time to develop a regulation package to implement the provisions of this bill. This impact is absorbable within the Board's existing resources and workload.

**Staff Recommendation: Maintain SUPPORT Position**

**F. [AB 1028 \(McKinnor\)](#) Reporting of crimes: mandated reporters.**

**Status:** Referred to the Senate Appropriations Committee

**Bill Analyses:** 07/07/2023 – Senate Public Safety  
04/21/2023 – Assembly Floor Analysis  
04/18/2023 – Assembly Appropriations  
03/27/2023 – Assembly Public Safety

**Next Hearing Date:** TBA

**Summary:** This bill would, on or after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, and instead, only require that report if the health practitioner suspects a patient has suffered a wound or physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm, a wound or physical injury resulting from child abuse, or a wound or physical injury resulting from elder abuse.

In addition, the bill would, on or after January 1, 2025, require a health practitioner who suspects that a patient has suffered physical injury that is caused by domestic violence, as defined, to, among other things, provide brief counseling, education, or other support, and a warm handoff, as defined, or referral to local and national domestic violence or sexual violence advocacy services, as specified. The bill would also specify that a health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

**Estimated Fiscal Impact on the Board:** None.

**Staff Recommendation:** Maintain WATCH Position

**G. [AB 1707 \(Pacheco\)](#) Health professionals and facilities: adverse actions based on another state's law.**

**Status:** Referred to the Senate Appropriations Committee

**Bill Analyses:** 07/03/2023 – Senate Judiciary  
06/16/2023 – Senate Business, Professions and Economic Development  
05/12/2023 – Assembly Floor Analysis  
05/09/2023 – Assembly Appropriations  
04/14/2023 – Assembly Judiciary  
04/07/2023 – Assembly Business and Professions

**Next Hearing Date:** TBA

**Summary:** This bill would prohibit a DCA healing arts board from denying an application for licensure or imposing discipline upon a licensee on the basis of a civil judgment, criminal conviction, or disciplinary action in another state that is based on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful in this state.

"Sensitive services" means all health care services related to mental or behavioral health, sexual and reproductive health, sexually transmitted infections, substance use disorder, gender affirming care, and intimate partner violence, and includes services described in Sections 6924, 6925, 6926, 6927, 6928, 6929, and 6930 of the Family Code, and Sections 121020 and 124260 of the Health and Safety Code, obtained by a patient at or above the minimum age specified for consenting to the service specified in the section.

**Estimated Fiscal Impact on the Board:** None.

**Staff Recommendation:** Continue to WATCH

**H. [Senate Bill \(SB\) 372 \(Menjivar\)](#) Department of Consumer Affairs: licensee and registrant records: name and gender changes.**

**Status:** Referred to the Assembly Appropriations Committee

**Bill Analyses:** 06/22/2023 – Assembly Judiciary  
06/16/2023 – Assembly Business and Professions



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05/20/2023 – Senate Floor Analyses  
04/28/2023 – Senate Appropriations  
04/14/2023 – Senate Judiciary  
03/24/2023 – Senate Business, Professions and Economic  
Development  
03/23/2023 – Senate Business, Professions and Economic  
Development

**Next Hearing Date:** TBA

**Summary:** This bill would require a DCA board to update a licensee’s or registrant’s license by replacing references to the former name or gender on the license or registration, as specified, if the board receives documentation, as described, from the licensee or registrant demonstrating that their legal name or gender has been changed. The bill would also require the board to replace references to the licensee’s or registrant’s former name with their current name or gender, as applicable, and prohibit a board from publishing information relating to the licensee’s or registrant’s former name or gender online. Instead, the bill would require the board to post an online statement directing the public to contact the board for more information. Further, the board would be prohibited from posting enforcement records online for specified licensees and registrants, but would be required to post an online statement stating that the individual was previously subject to an enforcement action and directing the public to contact the board, as prescribed.

The bill would provide that all records related to a request to update an individual’s license or registration under these provisions are confidential and not subject to public inspection or disclosure. The bill would also require a board, if requested by the licensee or registrant, to reissue any license created by the board and conferred upon the licensee or registrant and prohibit a board from charging a higher fee for reissuing a license with an updated legal name or gender than the fee it charges for reissuing a license with other updated information.

**Estimated Fiscal Impact on the Board:** None.

**Staff Recommendation:** Continue to WATCH

I. [SB 447 \(Atkins\)](#) GO-Biz.

**Status:** Referred to the Assembly Committee on Jobs, Economic Development, and the Economy

**Bill Analyses:** 07/10/2023 – Assembly Jobs, Economic Development, and the Economy  
05/20/2023 – Senate Floor Analyses

04/28/2023 – Senate Appropriations  
04/14/2023 – Senate Business, Professions and Economic  
Development

**Next Hearing Date:** TBA

**Summary:** This bill would, among other things, repeal the provisions that prohibit a state agency and the Legislature from requiring any of its employees, officers, or members to travel to, or from approving a request for state-funded or state-sponsored travel to, states with discriminatory laws. There are currently [23 states](#) that are subject to this existing ban on state-funded and state-sponsored travel.

**Estimated Fiscal Impact on the Board:** None.

**Staff Recommendation:** WATCH

J. [SB 544 \(Laird\)](#) Bagley-Keene Open Meeting Act: teleconferencing.

**Status:** Referred to the Assembly Governmental Organization Committee

**Bill Analyses:** 07/11/2023 – Assembly Governmental Organization  
05/10/2023 – Senate Floor Analyses  
04/23/2023 – Senate Judiciary  
04/07/2023 – Senate Governmental Organization

**Next Hearing Date:** July 12, 2023

**Summary:** This bill would remove the requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public.

Instead, the bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the Bagley-Keene Open Meeting Act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person.

The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference

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location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.

The bill would provide that it does not affect prescribed existing notice and agenda requirements and would require the state body to post an agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The bill would prohibit the notice and agenda from disclosing information regarding any remote location from which a member is participating and define “remote location” for this purpose. The bill would require a member of the state body who attends the meeting by teleconference from a remote location to disclose whether any individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member’s relationship with any such individuals. The bill would also provide that members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.

Further, the bill would require a state body, upon discovering that a means of remote participation required by the bill has failed during a meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.

This bill would also require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

**Estimated Fiscal Impact on the Board:** This bill will allow the Board to save up to \$10,000 annually through the use of virtual meetings with a physical public location provided within DCA’s existing meeting facilities.

**Staff Recommendation: Maintain SUPPORT Position**

**K. [SB 802 \(Roth\)](#) Licensing boards: disqualification from licensure: criminal conviction.**

**Status:** Referred to the Assembly Committee on Business and Professions

**Bill Analyses:** 04/12/2023 – Senate Floor Analyses

03/23/2023 – Senate Business, Professions and Economic  
Development

**Next Hearing Date:** TBA

**Summary:** This bill would require a DCA board to notify an applicant in writing within 30 days after a decision is made to deny an application for licensure based solely or in part on the applicant's conviction history, of all of the following: 1) the denial or disqualification of licensure; 2) any existing procedure the board has for the applicant to challenge the decision or request reconsideration; 3) that the applicant has the right to appeal the board's decision; and 4) the processes for the applicant to request a copy of their complete conviction history and question the accuracy or completeness of the record pursuant to Penal Code sections 11122 through 11127.

Existing law requires this written notification to be sent to the applicant but does not specify a timeframe during which it must be transmitted.

**Estimated Fiscal Impact on the Board:** None.

**Staff Recommendation:** Continue to WATCH

**Attachment**

- Copy of the Above-Referenced Bills (as of July 12, 2023)

AMENDED IN ASSEMBLY APRIL 17, 2023

AMENDED IN ASSEMBLY APRIL 12, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 765**

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**Introduced by Assembly Member Wood**

February 13, 2023

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An act to amend Section 2054 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 765, as amended, Wood. Physicians and surgeons: medical specialty titles.

Existing law, the Medical Practice Act, establishes the Medical Board of California for the licensure and regulation of physicians and surgeons. Existing law makes it a misdemeanor for a person who is not licensed as a physician and surgeon under the act, except as specified, to use certain words, letters, and phrases or any other terms that imply that the person is authorized to practice medicine as a physician and surgeon.

This bill would enact the California Patient Protection, Safety, Disclosure, and Transparency Act. The bill ~~would~~ *would, except as prescribed*, make it a misdemeanor for a person who does not have a valid, unrevoked, and unsuspended certificate as a physician and surgeon to use any medical specialty title, as specified, or any titles, terms, letters, words, abbreviations, description of services, designations, or insignia indicating or implying that the person is licensed to practice under the act. The bill would make related legislative findings and declarations. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 California Patient Protection, Safety, Disclosure, and Transparency
- 3 Act.
- 4 SEC. 2. The Legislature finds and declares all of the following:
- 5 (a) Consumer protection is the highest priority of all boards,
- 6 bureaus, and commissions within the Department of Consumer
- 7 Affairs.
- 8 (b) Health care consumers can be confused and misled about
- 9 the differences between the qualifications and education of various
- 10 types of health care providers.
- 11 (c) Misuse of health care provider titles can cause patients to
- 12 mistakenly believe they are meeting with physicians and surgeons,
- 13 such as medical doctors or doctors of osteopathic medicine, when
- 14 they are not.
- 15 (d) According to the American Medical Association’s Truth in
- 16 Advertising surveys, patients want their health care professional
- 17 to clearly designate their education and training.
- 18 (e) According to the American Medical Association’s Truth in
- 19 Advertising surveys, 88 percent of patient respondents agree that
- 20 only licensed medical doctors or doctors of osteopathic medicine
- 21 should be able to use the title of physician.
- 22 (f) According to the American Medical Association’s Truth in
- 23 Advertising surveys, 79 percent of patient respondents would
- 24 support legislation in their state to require all health care advertising
- 25 materials to clearly designate the level of education, skills, and
- 26 training of all health care professionals promoting their services.
- 27 (g) Patients deserve to have increased clarity and transparency
- 28 in the education and training of their health care providers.
- 29 (h) Confusing or misleading health care advertising and
- 30 communications have the potential to put patient safety at risk.

1 (i) Requiring health care providers to communicate and display  
2 their proper title, credentials, and capabilities allows patients to  
3 make informed choices about their health care.

4 (j) Uninformed health care choices can lead to unintended and  
5 potentially dangerous consequences.

6 SEC. 3. Section 2054 of the Business and Professions Code is  
7 amended to read:

8 2054. (a) Any person who uses in any sign, business card, or  
9 letterhead, or, in an advertisement, the words “doctor” or  
10 “physician,” the letters or prefix “Dr.,” the initials “M.D.” or  
11 “D.O.,” or any other terms or letters indicating or implying that  
12 the person is a physician and surgeon, physician, surgeon, or  
13 practitioner under the terms of this or any other law, or that the  
14 person is entitled to practice hereunder, or who represents or holds  
15 themselves out as a physician and surgeon, physician, surgeon, or  
16 practitioner under the terms of this or any other law, without having  
17 at the time of so doing a valid, unrevoked, and unsuspended  
18 certificate as a physician and surgeon under this chapter, is guilty  
19 of a misdemeanor.

20 (b) Notwithstanding subdivision (a), any of the following  
21 persons may use the words “doctor” or “physician,” the letters or  
22 prefix “Dr.,” or the initials “M.D.” or “D.O.”:

23 (1) A graduate of a medical or an osteopathic medical school  
24 approved or recognized by the medical or osteopathic medical  
25 board while enrolled in a postgraduate training program approved  
26 by the board.

27 (2) A graduate of a medical or an osteopathic medical school  
28 who does not have a certificate as a physician and surgeon under  
29 this chapter if the individual meets all of the following  
30 requirements:

31 (A) If issued a license to practice medicine in any jurisdiction,  
32 has not had that license revoked or suspended by that jurisdiction.

33 (B) Does not otherwise hold themselves out as a physician and  
34 surgeon entitled to practice medicine in this state except to the  
35 extent authorized by this chapter.

36 (C) Does not engage in any of the acts prohibited by Section  
37 2060.

38 (3) A person authorized to practice medicine under Section 2111  
39 or 2113 subject to the limitations set forth in those sections.

1 (4) A person holding a current and active license under another  
2 chapter of this division, to the extent the use of the title is consistent  
3 with the act governing the practice of that license.

4 (5) A person whose use of the word “doctor” or the prefix “Dr.”  
5 is not associated with any claim of entitlement to practice medicine  
6 or any other professional service for which the use of the title  
7 would be untrue or misleading pursuant to Section 17500.

8 (c) (1) A person shall not use any medical specialty title,  
9 including the names or titles “anesthesiologist,” “cardiologist,”  
10 “dermatologist,” “doctor of osteopathic medicine,” “emergency  
11 physician,” “endocrinologist,” “family physician,”  
12 “gastroenterologist,” “general practitioner,” “gynecologist,”  
13 “hematologist,” “hospitalist,” “internist,” “interventional pain  
14 medicine physician,” “laryngologist,” “medical doctor,”  
15 “nephrologist,” “neurologist,” “obstetrician,” “oncologist,”  
16 “ophthalmologist,” “orthopedic surgeon,” “orthopaedic surgeon,”  
17 “orthopedist,” “orthopaedist,” “osteopathic physician,” “otologist,”  
18 “otolaryngologist,” “otorhinolaryngologist,” “pathologist,”  
19 “pediatrician,” “perinatologist,” “plastic surgeon,” “primary care  
20 physician,” “proctologist,” “psychiatrist,” “radiologist,”  
21 “reproductive endocrinologist,” “rheumatologist,” “rhinologist,”  
22 “surgeon,” “urogynecologist,” or “urologist,” or any other titles,  
23 terms, letters, words, abbreviations, description of services,  
24 designations, or insignia, alone or in combination with any other  
25 title, indicating or implying that the person is licensed under this  
26 chapter to practice as such, unless the person has at the time of so  
27 doing a valid, unrevoked, and unsuspended certificate as a  
28 physician and surgeon under this chapter. A person who violates  
29 this subdivision is guilty of a misdemeanor.

30 (2) This subdivision does not prevent a person holding a current  
31 and active license under another chapter of this division from using  
32 any term identified on their license, certificate, or registration, or  
33 from making any truthful statement that they specialize in a service  
34 or field that is within their licensed scope of practice and that does  
35 not contain any of the medical specialty titles specified in paragraph  
36 (1).

37 (3) *This subdivision does not prevent an individual licensed*  
38 *under this chapter from using the term “surgeon” as long as that*  
39 *individual has been granted privileges to perform surgery in a*  
40 *health care facility licensed pursuant to Chapter 2 (commencing*



1 *with Section 1250) of Division 2 of the Health and Safety Code, a*  
2 *surgical clinic licensed pursuant to paragraph (1) of subdivision*  
3 *(b) of Section 1204 of the Health and Safety Code, an outpatient*  
4 *setting accredited by an accreditation agency, as defined in Section*  
5 *1248 of the Health and Safety Code, or an ambulatory surgical*  
6 *center certified to participate in the Medicare Program under Title*  
7 *XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 et*  
8 *seq.).*

9 *(4) Paragraph (1) does not apply to any person who possesses*  
10 *a license pursuant to Section 1626, or holds a special permit under*  
11 *Section 1640, when using a dental specialty or discipline title, as*  
12 *defined in Section 1640.1.*

13 SEC. 4. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.

AMENDED IN SENATE JULY 6, 2023  
AMENDED IN ASSEMBLY MAY 26, 2023  
AMENDED IN ASSEMBLY MAY 18, 2023  
AMENDED IN ASSEMBLY APRIL 27, 2023  
AMENDED IN ASSEMBLY APRIL 17, 2023  
AMENDED IN ASSEMBLY MARCH 30, 2023  
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 796**

**Introduced by Assembly Member Weber**

February 13, 2023

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An act to add Article 26 (commencing with Section 2529.8.1) to Chapter 5 of Division 2 of, and to repeal Section 2529.8.5 of, the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

AB 796, as amended, Weber. Athletic trainers.

(1) Existing law provides for the licensure and regulation of various professions and vocations by regulatory boards and entities within the Department of Consumer Affairs, including athlete agents. Existing law establishes the Medical Board of California within the Department of Consumer Affairs to enforce the licensing and regulatory provisions relating to physicians and surgeons.

This bill would enact the Athletic Training Practice Act, which would establish, until January 1, 2028, the Athletic Trainer Registration Committee within the Medical Board of California to register athletic trainers and administer duties under the act. The bill would prohibit a

person from practicing as an athletic trainer or using certain titles or terms without being registered by the committee.

~~The~~

*This bill would define the practice of athletic training and training. The bill would impose requirements for registration as an athletic trainer, including official verification of the applicant's certification by a certifying entity for athletic trainers, as defined, defined, and providing the committee with proof that the applicant passed a background check, as specified.* The bill would require a supervising physician or surgeon to define the terms of the relationship with an athletic trainer and continuously maintain supervision and the ability to direct an athletic trainer, as specified.

~~The~~

*This bill would provide that an athletic trainer registration would be valid for 2 years and subject to renewal. The bill would require the committee to set and collect registration and renewal fees, as specified. The bill would require the committee to perform specified duties regarding administering registrations and performing oversight of registrants, including accepting complaints from the public. The bill would require the committee to deny or revoke the registration of a person that does not provide the committee with specified information and is not certified by a certifying entity for athletic trainers. The bill would make a violation of its provisions a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.*

~~The~~

*This bill would establish the Athletic Trainers Fund for the deposit of registration and renewal fees and would make those fees available to the committee upon appropriation by the Legislature for the purpose of implementing the act's provisions. For the purposes of administering its provisions, the bill would require that the committee only use moneys from the Athletic Trainers Fund, except as provided. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers Association or any other private individual or entity for the initial costs of implementing the act, and would specify that, if private funds are unavailable, a loan from the General Fund or a special fund may be used and repaid with fee revenue. The bill would require the director to determine that sufficient funds for that purpose have been obtained and to provide notice to the Legislature, the Governor, and on the department's internet website of the determination.*

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: *yes-no*.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 26 (commencing with Section 2529.8.1)  
2 is added to Chapter 5 of Division 2 of the Business and Professions  
3 Code, to read:

4

5

Article 26. Athletic Trainers

6

7 2529.8.1. This article shall be known, and may be cited, as the  
8 Athletic Training Practice Act.

9 2529.8.2. For the purposes of this article, the following  
10 definitions apply:

11 (a) "Athlete" means a person who, in association with an  
12 educational institution, an organized community sports program  
13 or event that has regularly scheduled practices and officially  
14 designated coaches, or a professional, amateur, or recreational  
15 organization or sports club that has regularly scheduled practices  
16 and officially designated coaches, participates in sports, games,  
17 recreation, or exercise requiring physical strength, flexibility, range  
18 of motion, speed, stamina, or agility.

19 (b) (1) "Athletic trainer" means a person who meets the  
20 requirements of this article, is registered by the committee, and  
21 practices under the direction of a licensed physician or surgeon.

22 (2) For purposes of this subdivision, "direction" means an order  
23 issued by a physician or surgeon to follow as a protocol,

1 recommendation, or oral order that is documented by the registered  
2 athletic trainer ~~or and physician or surgeon, or both.~~ *or surgeon.*

3 (c) “Athletic training” means the performance of those services  
4 for an athlete that require the education, training, and experience  
5 required by this article for registration as an athletic trainer.  
6 “Athletic training” excludes treatment related to spinal cord injuries  
7 except first aid. “Athletic training” includes all of the following:

8 (1) Planning, administering, evaluating, and modifying methods  
9 for prevention and risk management of injuries and illnesses.

10 (2) Services appropriate for the prevention, recognition,  
11 assessment, management, treatment, rehabilitation, and  
12 reconditioning of injuries and illnesses sustained by an athlete, as  
13 defined in subdivision (a), that affect an athlete’s participation or  
14 performance in sports, games, recreation, or exercise.

15 (3) Identifying an athlete’s medical conditions and disabilities  
16 and appropriately caring for or referring an athlete as appropriate.

17 (4) Recognizing, assessing, treating, managing, preventing,  
18 rehabilitating, reconditioning, and appropriately referring to another  
19 health care provider to treat injuries and illnesses.

20 (5) Using therapeutic modalities for which the athletic trainer  
21 has received appropriate training and education.

22 (6) Using conditioning and rehabilitative exercise.

23 (7) Using topical pharmacological agents, in conjunction with  
24 the administration of therapeutic modalities and pursuant to  
25 prescriptions issued in accordance with the laws of this state, for  
26 which the athletic trainer has received appropriate training and  
27 education.

28 (8) Educating and counseling athletes concerning the prevention  
29 and care of injuries and illnesses.

30 (9) Educating and counseling the general public with respect to  
31 athletic training services.

32 (10) Referring an athlete receiving athletic training services to  
33 appropriate health care personnel as needed.

34 (11) Planning, organizing, administering, and evaluating the  
35 practice of athletic training.

36 (d) “Board” means the Medical Board of California.

37 (e) “Certifying entity for athletic trainers” means the Board of  
38 Certification, Inc. or its successor entity, or any other certifying  
39 board for athletic trainers that is accredited by the National  
40 Commission for Certifying Agencies.

1 (f) “Committee” means the Athletic Trainer Registration  
2 Committee.

3 (g) “Director” means the Director of Consumer Affairs.

4 2529.8.3. (a) This article shall not authorize an athletic trainer  
5 to practice any of the following:

6 (1) Medicine, as defined under Chapter 5 (commencing with  
7 Section 2000).

8 (2) Physical therapy, as defined under Chapter 5.7 (commencing  
9 with Section 2600).

10 (3) Chiropractic, as defined under Chapter 2 (commencing with  
11 Section 1000).

12 (4) Occupational therapy, as defined under Chapter 5.6  
13 (commencing with Section 2570).

14 (5) Any other regulated form of healing except as authorized  
15 by this article.

16 (b) This article does not authorize an athletic trainer to treat a  
17 disease or condition that is unrelated to a person’s participation in  
18 sports, games, recreation, or exercise. However, the athletic trainer  
19 shall take a person’s disease or condition into account in providing  
20 athletic training services and shall consult with a physician or  
21 surgeon as appropriate regarding the disease or condition.

22 2529.8.4. (a) A person shall not hold themselves out to be an  
23 athletic trainer, use the title “athletic trainer,” “certified athletic  
24 trainer,” “licensed athletic trainer,” “registered athletic trainer,”  
25 or any other term such as “A.T.,” “A.T.C.,” “C.A.T.,” or “L.A.T.”  
26 to imply or suggest that the person is an athletic trainer, unless the  
27 person is certified by a certifying entity for athletic trainers and  
28 registered pursuant to Section 2529.8.8.

29 (b) It is an unfair business practice within the meaning of  
30 Chapter 5 (commencing with Section 17200) of Part 2 of Division  
31 7 for a person to use the title “athletic trainer,” “certified athletic  
32 trainer,” “licensed athletic trainer,” “registered athletic trainer,”  
33 or any other term such as “A.T.,” “A.T.C.,” “C.A.T.,” or “L.A.T.”  
34 that implies or suggests that the person is an athletic trainer unless  
35 the person is certified by a certifying entity for athletic trainers  
36 and registered pursuant to Section 2529.8.8.

37 (c) A person who is currently using one of the titles listed under  
38 subdivisions (a) and (b) and is covered under a collective  
39 bargaining agreement is not subject to the requirements of this  
40 section until the parties to that bargaining agreement renew that

1 agreement. At that time, a person shall not use the titles listed in  
2 subdivisions (a) and (b) if the individual does not meet the  
3 requirements of this section. Those individuals may choose a  
4 different title to describe their positions under the new collective  
5 bargaining agreement.

6 (d) An employee whose title is changed in order to comply with  
7 this section shall not suffer any loss of employment status as a  
8 result of the title change, including, but not limited to, layoff,  
9 demotion, termination, reclassification, or loss of pay, seniority,  
10 benefits, or any other status or compensation related to the position.

11 2529.8.5. (a) There is established the Athletic Trainer  
12 Registration Committee within the Medical Board of California.

13 (b) The committee shall consist of seven members, as follows:

14 (1) Three registered athletic trainers, except that initially, the  
15 committee shall include three athletic trainers certified by a  
16 certifying entity for athletic trainers.

17 (2) Three public members.

18 (3) One physician or surgeon licensed by the Medical Board of  
19 California or one osteopathic physician or surgeon licensed by the  
20 Osteopathic Medical Board of California.

21 (c) Subject to confirmation by the Senate, the Governor shall  
22 appoint the licensed athletic trainers, one of the public members,  
23 and the physician or surgeon or osteopathic physician or surgeon.  
24 The Senate Committee on Rules and the Speaker of the Assembly  
25 shall each appoint a public member.

26 (1) The athletic trainers shall be appointed from the following:

27 (A) Two members shall be actively practicing athletic training  
28 and engaged primarily in direct patient care as an athletic trainer  
29 with at least five continuous years of experience.

30 (B) One member shall be active primarily as an educator or  
31 administrator in a program to educate athletic trainers.

32 (2) The physician or surgeon or osteopathic physician or surgeon  
33 shall be appointed from persons who have supervised or are  
34 currently supervising athletic trainers.

35 (d) Each member of the committee shall be appointed for a term  
36 of four years. The appointing power shall immediately fill a  
37 vacancy for the unexpired portion of the terms in which the vacancy  
38 occurs. No person shall serve as a member of the committee for  
39 more than two consecutive terms.

1 (e) Each member of the committee shall receive per diem and  
2 expenses pursuant to Section 103.

3 (f) (1) The committee shall meet annually and as often as it  
4 deems necessary.

5 (2) Four members of the ~~board~~ *committee* shall constitute a  
6 quorum for the transaction of business at any meeting.

7 (3) The affirmative vote of a majority of those members present  
8 at a meeting, those members constituting at least a quorum, to pass  
9 any motion, resolution, or measure.

10 (4) The committee shall elect from its members a chair, a vice  
11 chair, and a secretary who shall hold their respective positions at  
12 the pleasure of the committee. The chair may call meetings of the  
13 committee and any duly appointed committee at a specified time  
14 and place.

15 (g) No person who directly or indirectly owns any interest in  
16 any college, school, or other institution or certifying body engaged  
17 in athletic training instruction or certification shall be appointed  
18 to the committee, nor shall any incumbent member of the  
19 committee have or acquire any interest, direct or indirect, in any  
20 such college, school, or institution.

21 (h) Except as provided by Section 159.5, the committee may  
22 employ, within the limits of the funds received by the committee,  
23 all personnel necessary for the administration of this article. The  
24 committee shall not use staff that is not employed directly by the  
25 committee to carry out this chapter.

26 (i) This section shall remain in effect only until January 1, 2028,  
27 and as of that date is repealed.

28 2529.8.6. Notwithstanding any other law, the repeal of Section  
29 2529.8.5 renders the committee subject to review by the appropriate  
30 policy committees of the Legislature.

31 2529.8.7. On or after January 1, 2028, unless certified as of  
32 that date as an athletic trainer by a certifying entity for athletic  
33 trainers and registered with the committee, no person shall do any  
34 of the following:

35 (a) Practice athletic training.

36 (b) Use titles specified in subdivisions (a) and (b) of Section  
37 2529.8.4.

38 2529.8.8. (a) The committee shall register an athletic trainer  
39 if all of the following conditions are met:



- 1 (1) The committee receives official verification of the applicant’s  
2 current certification by a certifying entity for athletic trainers.
- 3 (2) The applicant submits an application developed by the  
4 committee that includes the following:
- 5 (A) The name or names of the applicant.
- 6 (B) The applicant’s contact information, including the  
7 applicant’s phone number, email address, and mailing address. An  
8 applicant may provide an alternate address of record for purposes  
9 of the public registry. An alternate address of record is anywhere  
10 a registrant may receive service of process, including a current  
11 work address or a valid post office box. Nothing in this paragraph  
12 prohibits the committee from requiring a home address in addition  
13 to an alternate address of record for purposes of committee  
14 communications.
- 15 (3) (A) The applicant pays any and all registration fees  
16 established by the committee pursuant to subdivision (c).
- 17 (B) The fees specified in subparagraph (A) shall not exceed the  
18 reasonable regulatory costs of administering, implementing, and  
19 enforcing the provisions of this article.
- 20 (4) (A) *The applicant passes a background check and submits*  
21 *proof to the committee of that background check upon submitting*  
22 *their application to the committee.*
- 23 (B) *The applicant shall be responsible for any costs related to*  
24 *the background check.*
- 25 (b) A registration issued pursuant to this article shall be valid  
26 for two years and subject to the renewal requirements of Section  
27 2529.8.9.
- 28 (c) The committee shall set and collect a registration fee that  
29 does not exceed the committee’s reasonable regulatory costs of  
30 administering, and is consistent with the purposes of, this article.  
31 The registration fee shall be paid into the Athletic Trainers Fund  
32 pursuant to subdivision (b) of Section ~~2529.8.15~~: 2529.8.14.
- 33 2529.8.9. (a) The committee shall renew a registration pursuant  
34 to this article if both of the following conditions are met:
- 35 (1) The committee receives official verification of the applicant’s  
36 current certification by a certifying entity for athletic trainers.
- 37 (2) (A) The registrant pays any and all renewal fees established  
38 by the committee pursuant to subdivision (b).

1 (B) The fees specified in subparagraph (A) shall not exceed the  
2 reasonable regulatory costs of administering, implementing, and  
3 enforcing the provisions of this article.

4 (b) The committee shall set and collect a renewal fee that does  
5 not exceed the committee's reasonable regulatory costs of  
6 administering, and is consistent with the purposes of, this article.  
7 The renewal fee shall be paid into the Athletic Trainers Fund  
8 pursuant to subdivision (b) of Section ~~2529.8.15~~: 2529.8.14.

9 2529.8.10. (a) The committee shall deny or revoke a  
10 registration for any of the following reasons:

11 (1) The applicant or registrant fails to provide required  
12 ~~information~~ information, or fails to pass their background check,  
13 pursuant to subdivision (a) of Section 2529.8.8.

14 (2) No certifying entity for athletic trainers certifies the applicant  
15 or registrant.

16 (b) The committee shall participate in the disciplinary action  
17 exchange of each certifying entity for athletic trainers, if one exists,  
18 and otherwise work with the certifying entities for athletic trainers  
19 to receive disciplinary action reports. This subdivision shall not  
20 require the certifying entity for athletic trainers to take any action  
21 upon receipt of a disciplinary action report.

22 (c) An applicant or registrant whose registration has been denied  
23 or revoked may submit an application for registration, and the  
24 committee shall approve the application if the applicant meets the  
25 requirements of subdivision (a) of Section 2529.8.8.

26 2529.8.11. (a) The committee shall accept complaints from  
27 the public but shall not investigate the complaints.

28 ~~(b) The committee shall refer complaints related to incompetent  
29 or unethical practice or patient harm to the certifying entity for  
30 athletic trainers that was the basis for the subject's registration and  
31 include a statement disclosing the verified nature of the complaint.  
32 This subdivision shall not require the certifying entity for athletic  
33 trainers to take any action upon receipt of the referred complaint.~~

34 ~~(c) Notwithstanding the California Public Records Act (Division  
35 10 (commencing with Section 7920.000) of Title 1 of the  
36 Government Code), the committee shall not make available to the  
37 public complaints that have not resulted in a final disciplinary  
38 action or criminal conviction.~~

39 (d)

1 (b) (1) The committee shall track and report data relating to  
2 complaints and registrants to the appropriate policy committees  
3 of the Legislature by January 1, 2027. The information shall be  
4 aggregated in a manner that does not disclose personal or  
5 identifying information that is not otherwise publicly available.

6 (2) The requirement for submitting a report imposed under  
7 paragraph (1) is inoperative on January 1, 2028, pursuant to Section  
8 10231.5 of the Government Code.

9 (3) A report to be submitted pursuant to paragraph (1) shall be  
10 submitted in compliance with Section 9795 of the Government  
11 Code.

12 2529.8.12. (a) A supervising physician or surgeon shall define  
13 the terms of the relationship with the athletic trainer.

14 (b) A supervising physician or surgeon shall continuously  
15 maintain supervision and the ability to direct an athletic trainer,  
16 but this requirement shall not be construed as requiring the physical  
17 presence of the supervising physician or surgeon at the time and  
18 place where athletic training services are performed.

19 ~~2529.8.13. A person who violates this article shall be guilty of~~  
20 ~~a misdemeanor.~~

21 ~~2529.8.14.~~

22 2529.8.13. The requirements of this article shall not apply to  
23 any of the following:

24 (a) The lawful practice of a person licensed or regulated under  
25 any other law.

26 (b) A teacher, coach, or other individual for an institution or  
27 organization, either private or public, within this state, who does  
28 not hold themselves out to the public as an athletic trainer.

29 (c) An athletic trainer licensed, certified, or registered in another  
30 state or country who is in California temporarily while traveling  
31 with a team or organization to engage in the practice of athletic  
32 training for, among other things, an athletic or sporting event and  
33 only when the athletic trainer limits their scope of practice to the  
34 members of the team or organization or during an emergency.

35 (d) An athletic trainer licensed, certified, or registered in another  
36 state or country who is invited by a sponsoring organization, such  
37 as the United States Olympic Committee, to temporarily provide  
38 athletic training services under their state’s scope of practice for  
39 athletic training.

1 (e) A student enrolled in an athletic training education program,  
2 while participating in educational activities during the course of  
3 the student's educational rotations under the supervision and  
4 guidance of an athletic trainer or physician and surgeon when the  
5 student's title clearly indicates student status.

6 (f) A member or employee of the United States Armed Forces,  
7 licensed, certified, or registered in another state as an athletic  
8 trainer, as part of their temporary federal deployment or  
9 employment in California for a limited time.

10 (g) A person performing personal training, including  
11 recommending weight management or exercise to improve strength,  
12 conditioning, flexibility, and cardiovascular performance.

13 ~~2529.8.15.~~

14 2529.8.14. (a) The Athletic Trainers Fund is hereby established  
15 in the State Treasury.

16 (b) All fees collected pursuant to this article shall be paid into  
17 the Athletic Trainers Fund. Moneys in the fund shall be available  
18 to the committee, upon appropriation by the Legislature, for  
19 expenditure by the committee to defray its expenses for  
20 administering this article.

21 (c) For purposes of administering this article, the committee  
22 shall only use moneys from the Athletic Trainers Fund, except as  
23 provided in Section ~~2529.8.16.~~ 2529.8.15.

24 ~~2529.8.16.~~

25 2529.8.15. Notwithstanding any other law, including Section  
26 11005 of the Government Code, the director may seek and receive  
27 funds from ~~the California Athletic Trainers Association or any~~  
28 ~~other~~ private individual or entity for the initial costs of  
29 implementing this article. If private funds are unavailable to cover  
30 the startup costs of implementing this act, a loan from the General  
31 Fund or a special fund may be used and shall be repaid with fee  
32 revenue.

33 ~~2529.8.17.~~

34 2529.8.16. The director shall determine that sufficient funds  
35 for that purpose of administering this article have been obtained  
36 and shall provide notice to the Legislature, the Governor, and on  
37 the department's internet website of the determination.

38 ~~2529.8.18.~~

39 2529.8.17. The provisions of this article are severable. If any  
40 provision of this article or its application is held invalid, that

1 invalidity shall not affect other provisions or applications that can  
2 be given effect without the invalid provision or application.

3 SEC. 2. The Legislature finds and declares that Section 1 of  
4 this act, which adds Section 2529.8.11 to the Business and  
5 Professions Code, imposes a limitation on the public's right of  
6 access to the meetings of public bodies or the writings of public  
7 officials and agencies within the meaning of Section 3 of Article  
8 I of the California Constitution. Pursuant to that constitutional  
9 provision, the Legislature makes the following findings to  
10 demonstrate the interest protected by this limitation and the need  
11 for protecting that interest:

12 To protect the personally identifiable information of athletic  
13 trainers from disclosure and abuse.

14 ~~SEC. 3. No reimbursement is required by this act pursuant to~~  
15 ~~Section 6 of Article XIII B of the California Constitution because~~  
16 ~~the only costs that may be incurred by a local agency or school~~  
17 ~~district will be incurred because this act creates a new crime or~~  
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
20 ~~the Government Code, or changes the definition of a crime within~~  
21 ~~the meaning of Section 6 of Article XIII B of the California~~  
22 ~~Constitution.~~

AMENDED IN ASSEMBLY APRIL 27, 2023

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 814**

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**Introduced by Assembly Member Lowenthal**

February 13, 2023

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An act to amend Section 4905 of, ~~and to add Sections 2631, 2660.9, 2631 and 2660.9 to,~~ and to add and repeal Section 4828.5 to, of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 814, as amended, Lowenthal. Veterinary medicine: animal physical rehabilitation.

Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California, which is within the Department of Consumer Affairs. That act defines physical therapy as the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise.

Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs. That act makes it unlawful for any person to practice veterinary medicine in this state without a license and provides that the practice of veterinary medicine includes, among

other things, the treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal.

This bill would authorize a licensed physical therapist to be registered with the Veterinary Medical Board as ~~an authorized~~ *a registered* animal physical therapist and to provide animal physical rehabilitation, as defined, to an animal if specified requirements are met, including that the ~~authorized~~ *registered* animal physical therapist performs all delegated animal rehabilitation tasks under the supervision of a veterinarian who has an established veterinarian-client-patient-relationship with the animal. The bill would authorize an animal physical rehabilitation assistant, as defined, to assist with delegated animal rehabilitation tasks subject to specified conditions, including ~~requiring that the tasks to be~~ *are* performed under the direct supervision of ~~an authorized~~ *a registered* animal physical therapist. The bill would require *the owner or operator of* an animal physical rehabilitation facility, as defined, to ~~be registered with~~ *submit a registration application to* the Veterinary Medical Board. ~~Board and pay a registration fee, as prescribed.~~

This bill would require the Veterinary Medical Board ~~and the Physical Therapy Board of California~~ to determine qualifications ~~to receive an authorization in~~ *necessary for a physical therapist to register with the board to provide* animal physical ~~rehabilitation, rehabilitation~~ and would require the Veterinary Medical Board to create the registration form and determine the registration process. The bill would authorize the Veterinary Medical Board to discipline ~~an authorized~~ *a registered* animal physical therapist, as specified, and would require the Veterinary Medical Board to report disciplinary actions against a *registered* physical therapist to the Physical Therapy Board of California.

This bill would make a violation of the provisions by a licensee of the Physical Therapy Practice Act unprofessional conduct. The bill would establish fees for the issuance and renewal of ~~an authorization~~ *a registration* in animal physical rehabilitation and initial and annual renewal fees for registration of an animal physical rehabilitation facility, which would be deposited in the Veterinary Medical Board Contingent Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2631 is added to the Business and  
2 Professions Code, to read:

3 2631. This chapter does not prohibit a licensed physical  
4 therapist from performing animal rehabilitation under Section  
5 ~~4828.5~~, 4828.5 or from carrying out the activities authorized under  
6 that section.

7 SEC. 2. Section 2660.9 is added to the Business and Professions  
8 Code, to read:

9 2660.9. (a) A violation of Section 4828.5 by a licensee of this  
10 chapter shall constitute unprofessional conduct under Section 2660.

11 (b) A report of a final disciplinary action against a licensee of  
12 this chapter by the Veterinary Medical Board under subdivision  
13 (k) of *Section* 4828.5 shall be deemed as conclusive evidence of  
14 unprofessional conduct by the licensee under Section 2660.

15 SEC. 3. Section 4828.5 is added to the Business and Professions  
16 Code, to read:

17 4828.5. (a) For purposes of this ~~section, the following~~  
18 ~~definitions apply:~~ *section:*

19 (1) “Animal physical rehabilitation” means the treatment of  
20 injury or illness to address pain and improve function by means  
21 of physical or corrective ~~treatment, as defined under Section 2038.5~~  
22 ~~of Title 16 of the California Code of Regulations.~~ *treatment.*  
23 Animal physical rehabilitation does not include relaxation,  
24 recreational, or wellness modalities, including, but not limited to,  
25 massage, athletic training, or exercise.

26 (2) “Animal physical rehabilitation assistant” means an  
27 unlicensed person who is not a licensed veterinarian, registered  
28 veterinarian technician, or ~~authorized~~ *registered* animal physical  
29 ~~therapist,~~ *therapist* and who assists ~~an authorized~~ *a registered*  
30 animal physical therapist with delegated animal rehabilitation tasks  
31 pursuant to this section.

32 (3) “Animal physical rehabilitation facility” means a facility  
33 registered with the board where ~~an authorized~~ *a registered* animal  
34 physical therapist performs delegated animal rehabilitation tasks  
35 on an animal patient.

36 (4) ~~“Authorized animal physical therapist” means a physical~~  
37 ~~therapist licensed under the Physical Therapy Practice Act (Chapter~~  
38 ~~5.7 (commencing with Section 2600)), who is registered with the~~



1 ~~board, and who performs animal physical rehabilitation under a~~  
2 ~~supervising veterinarian pursuant to this section.~~

3 ~~(5)~~

4 (4) “Delegated animal rehabilitation task” means animal physical  
5 rehabilitation treatments, functional assessment, or services  
6 delegated to ~~an authorized~~ *a registered* animal physical therapist  
7 or animal physical rehabilitation assistant by a supervising  
8 veterinarian providing an order for treatment.

9 ~~(6)~~

10 (5) “Direct supervision” means both of the following:

11 (A) The supervising veterinarian is physically present at the  
12 location where delegated animal rehabilitation tasks are to be  
13 performed and is quickly and easily available.

14 (B) The animal has been examined by the supervising  
15 veterinarian within the period of time consistent with standards of  
16 good veterinary medical practice and the particular delegated  
17 animal rehabilitation task.

18 ~~(7)~~

19 (6) “Indirect supervision” means both of the following:

20 (A) The supervising veterinarian is not physically present at the  
21 location where delegated animal rehabilitation tasks are to be  
22 ~~performed~~, *performed* but has given an order for treatment to ~~an~~  
23 ~~authorized~~ *a registered* animal physical therapist to provide  
24 treatment to an animal patient.

25 (B) The animal has been examined by the supervising  
26 veterinarian within the period of time consistent with standards of  
27 good veterinary medical practice and the particular delegated  
28 animal physical rehabilitation task.

29 ~~(8)~~

30 (7) “Order for treatment” means oral or written instruction from  
31 a supervising veterinarian authorizing physical rehabilitation of  
32 an animal patient, including, but not limited to, ~~communication~~  
33 *directions, communication, reporting, limitations,* and safety  
34 protocols or procedures specific to the animal patient, consistent  
35 with standards of good veterinary medical practice and the  
36 particular delegated animal rehabilitation task.

37 (8) “*Registered animal physical therapist*” means *a physical*  
38 *therapist licensed under the Physical Therapy Practice Act*  
39 *(Chapter 5.7 (commencing with Section 2600)) who is registered*

1 *with the board and who performs animal physical rehabilitation*  
2 *under a supervising veterinarian pursuant to this section.*

3 (9) “Supervising veterinarian” means a veterinarian licensed  
4 pursuant to this chapter who is responsible for all of the following:

5 (A) Examining the animal patient before giving an order for  
6 treatment to ~~an authorized~~ *a registered* animal physical therapist  
7 or animal physical rehabilitation assistant to perform a delegated  
8 animal physical rehabilitation task. The examination of the animal  
9 patient shall establish a veterinary-patient-client-relationship and  
10 shall be conducted within the period of time consistent with  
11 standards of good veterinary medical practice and the particular  
12 delegated animal rehabilitation ~~task.~~ *task, including specific*  
13 *consideration of the animal patient’s condition.*

14 (B) Making all decisions relating to the diagnosis, treatment,  
15 management, and future disposition of the animal patient.

16 (C) Determining the appropriate degree of supervision of ~~an~~  
17 ~~authorized~~ *a registered* animal physical therapist or an animal  
18 physical rehabilitation assistant necessary for the performance of  
19 the particular delegated animal physical rehabilitation task,  
20 consistent with standards of good veterinary medical practice.

21 (10) “Supervision” or “degree of supervision” means veterinary  
22 oversight of the treatment plan performed by the ~~authorized~~  
23 *registered* animal physical therapist and may be either direct  
24 supervision or indirect supervision.

25 (b) Notwithstanding any other law, ~~an authorized~~ *a registered*  
26 animal physical therapist may provide animal physical  
27 rehabilitation to an animal if all of the following requirements are  
28 met:

29 (1) The ~~authorized~~ *registered* animal physical therapist performs  
30 all delegated animal rehabilitation tasks under the supervision of  
31 a veterinarian who has an established  
32 veterinary-patient-client-relationship with the animal. This  
33 veterinary-patient-client-relationship need not be established on  
34 the same premises where the delegated animal rehabilitation tasks  
35 are performed.

36 (2) The degree of supervision is consistent with standards of  
37 good veterinary medical practice and the particular delegated  
38 animal rehabilitation task, as determined by the supervising  
39 veterinarian.

1 (3) The delegated animal rehabilitation task is performed on a  
2 veterinary premise registered with the ~~board~~, *board* in an animal  
3 physical rehabilitation facility registered with the ~~board~~, *board* or  
4 in a mobile or range setting.

5 (4) The ~~authorized~~ *registered* animal physical therapist has  
6 registered to practice animal physical rehabilitation with the board  
7 and has paid the fee as described in Section 4905.

8 (c) An animal physical rehabilitation assistant may assist with  
9 delegated animal rehabilitation tasks if both of the following  
10 requirements are met:

11 (1) The animal physical rehabilitation assistant performs the  
12 delegated animal rehabilitation tasks under the direct supervision  
13 of ~~an authorized~~ *a registered* animal physical therapist in  
14 compliance with subdivision (b).

15 (2) The animal physical rehabilitation assistant is working under  
16 the degree of supervision consistent with standards of good  
17 veterinary medical practice and the particular delegated animal  
18 rehabilitation task, as determined by the ~~authorized~~ *registered*  
19 animal physical therapist's supervising veterinarian.

20 (d) Unless specifically authorized by this section, ~~an authorized~~  
21 *a registered* animal physical therapist or animal physical  
22 rehabilitation assistant shall not perform any activity that represents  
23 the practice of veterinary medicine or requires the knowledge,  
24 skill, and training of a licensed veterinarian or registered veterinary  
25 technician, including the following: *technician*.

26 (1) ~~Surgery.~~

27 (2) ~~Diagnosis and prognosis of animal diseases.~~

28 (3) ~~Prescription of drugs, medicines, or appliances.~~

29 (4) ~~Anesthesia.~~

30 (5) ~~Application of casts or splints, except temporary cast  
31 molding for purposes of fitting custom or prefabricated orthotics  
32 or prosthetics if ordered by a supervising veterinarian.~~

33 (6) ~~Dental extraction.~~

34 (7) ~~Suture.~~

35 (8) ~~Administration of controlled substances.~~

36 (9) ~~Any other veterinary medicine function, tasks, or activities  
37 not specifically authorized by a supervising veterinarian as a  
38 delegated animal rehabilitation task.~~

39 (e) (1) ~~An~~ *The owner or operator of an* animal physical  
40 rehabilitation facility shall be registered with the board, on a form

1 ~~approved by the board~~, *submit a registration application to the*  
2 *board and pay the registration fee described in Section 4905.*

3 (2) *The application required by paragraph (1) shall include all*  
4 *of the following:*

5 (A) *The name of each owner or operator of the premises,*  
6 *including the type of corporate entity, if applicable.*

7 (B) *The name of the premises.*

8 (C) *The name of the responsible licensee or registered physical*  
9 *therapist manager who is to act on behalf of the registered*  
10 *premises.*

11 ~~(2)~~

12 (3) *The board may inspect an animal rehabilitation facility for*  
13 *safety and compliance with this ~~chapter~~. ~~chapter~~ and require*  
14 *reporting of adverse events, client complaints, or other safety and*  
15 *compliance information.*

16 (4) *The registration shall expire two years after the date of*  
17 *registration and may be renewed in a manner approved by the*  
18 *board and consistent with Article 5 (commencing with Section*  
19 *4900).*

20 (f) (1) ~~The board and the Physical Therapy Board of California,~~  
21 ~~in cooperation,~~ *The board shall determine the qualifications*  
22 *necessary for a physical therapist licensed under Chapter 5.7*  
23 *(commencing with Section 2600) to register with the board and*  
24 ~~receive an authorization in~~ *to provide animal physical*  
25 *rehabilitation. When making this determination, the board and the*  
26 ~~Physical Therapy Board of California~~ *shall ensure that the*  
27 *qualifications provide for safe and efficacious treatment of an*  
28 *animal and are consistent with the Veterinary Medical Board's*  
29 *Animal Rehabilitation Task Force findings and approved motions.*

30 (2) *The board shall create the registration form and determine*  
31 ~~the registration process for the authorization.~~ *process.*

32 (g) ~~An authorization~~ *A registration shall expire two years after*  
33 ~~the date of issuance~~ *registration and may be renewed in a manner*  
34 *approved by the board and consistent with Article 5 (commencing*  
35 *with Section 4900).*

36 (h) ~~An authorized~~ *A registered animal physical therapist shall*  
37 *be solely liable for any delegated animal rehabilitation tasks that*  
38 *they perform. The veterinarian who issues an order for treatment*  
39 *for animal physical rehabilitation shall not be liable for any animal*

1 physical rehabilitation provided by the ~~authorized~~ *registered* animal  
2 physical therapist or the animal physical rehabilitation assistant.

3 (i) Consistent with this chapter, the board may discipline ~~an~~  
4 ~~authorized a registered~~ animal physical therapist, including, but  
5 not limited to, revocation of the physical therapist's ~~authorization~~  
6 *registration* to perform animal physical rehabilitation.

7 (j) Failure to comply with the supervision requirements in this  
8 section shall be deemed unprofessional conduct and shall subject  
9 ~~an authorized a registered~~ animal physical therapist to revocation  
10 of the ~~authorization~~ *registration* issued by the board.

11 (k) The board shall report final disciplinary actions against ~~an~~  
12 ~~authorized a registered~~ physical therapist pursuant to subdivision  
13 (i) to the Physical Therapy Board of California.

14 (l) (1) *This section shall become operative on January 1, 2025.*

15 (2) *This section shall remain in effect only until January 1, 2026,*  
16 *and as of that date is repealed.*

17 SEC. 4. Section 4905 of the Business and Professions Code is  
18 amended to read:

19 4905. The following fees shall be collected by the board and  
20 shall be credited to the Veterinary Medical Board Contingent Fund:

21 (a) The veterinarian license application fee shall be three  
22 hundred fifty dollars (\$350).

23 (b) The Veterinary Medicine Practice Act course fee shall be  
24 set by the board in an amount it determines reasonably necessary  
25 to provide sufficient funds to carry out the purpose of this chapter,  
26 not to exceed one hundred dollars (\$100).

27 (c) The initial veterinarian license fee shall be set by the board  
28 not to exceed five hundred dollars (\$500).

29 (d) The biennial veterinarian license renewal fee shall be five  
30 hundred dollars (\$500).

31 (e) The university licensee application fee shall be three hundred  
32 fifty dollars (\$350).

33 (f) The initial university license fee shall be five hundred dollars  
34 (\$500).

35 (g) The biennial university licensee renewal fee shall be five  
36 hundred dollars (\$500).

37 (h) The delinquency fee shall be fifty dollars (\$50).

38 (i) The fee for issuance of a duplicate license, registration, or  
39 permit shall be twenty-five dollars (\$25).

- 1 (j) Any charge made for duplication or other services shall be  
2 set at the cost of rendering the service, except as specified in  
3 subdivision (i).
- 4 (k) The fee for failure to report a change in the mailing address  
5 shall be twenty-five dollars (\$25).
- 6 (l) The initial veterinary premises registration fee shall be five  
7 hundred dollars (\$500) annually.
- 8 (m) The annual veterinary premises registration renewal fee  
9 shall be five hundred twenty-five dollars (\$525).
- 10 (n) The registered veterinary technician application fee shall be  
11 two hundred twenty-five dollars (\$225).
- 12 (o) The initial registered veterinary technician registration fee  
13 shall be two hundred twenty-five dollars (\$225).
- 14 (p) The biennial registered veterinary technician renewal fee  
15 shall be two hundred twenty-five dollars (\$225).
- 16 (q) The veterinary assistant controlled substance permit  
17 application fee shall be one hundred dollars (\$100).
- 18 (r) The veterinary assistant controlled substance permit fee shall  
19 be one hundred dollars (\$100).
- 20 (s) The biennial veterinary assistant controlled substance permit  
21 renewal fee shall be one hundred dollars (\$100).
- 22 (t) The veterinary assistant controlled substance permit  
23 delinquency fee shall be 50 percent of the renewal fee for such  
24 permit in effect on the date of the renewal of the permit, but shall  
25 not be less than twenty-five dollars (\$25) nor more than one  
26 hundred fifty dollars (\$150).
- 27 (u) The fee for filing an application for approval of a school or  
28 institution offering a curriculum for training registered veterinary  
29 technicians pursuant to Section 4843 shall be set by the board at  
30 an amount not to exceed three hundred dollars (\$300). The school  
31 or institution shall also pay for the reasonable regulatory costs  
32 incident to an onsite inspection conducted by the board pursuant  
33 to Section 2065.6 of Title 16 of the California Code of Regulations.
- 34 (v) The fee for the issuance and renewal of ~~an authorization~~ *a*  
35 *registration* in animal physical rehabilitation pursuant to Section  
36 4828.5 shall be set by the board in an amount not to exceed the  
37 reasonable regulatory costs to the board.
- 38 (w) The initial and annual renewal fees for registration of an  
39 animal physical rehabilitation facility pursuant to Section 4828.5

1 shall be set by the board in an amount not to exceed the reasonable  
2 regulatory costs to the board.

3 (x) If the money transferred from the Veterinary Medical Board  
4 Contingent Fund to the General Fund pursuant to the Budget Act  
5 of 1991 is redeposited into the Veterinary Medical Board  
6 Contingent Fund, the fees assessed by the board shall be reduced  
7 correspondingly. However, the reduction shall not be so great as  
8 to cause the Veterinary Medical Board Contingent Fund to have  
9 a reserve of less than three months of annual authorized board  
10 expenditures. The fees set by the board shall not result in a  
11 Veterinary Medical Board Contingent Fund reserve of more than  
12 10 months of annual authorized board expenditures.

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 883**

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**Introduced by Assembly Member Mathis**

*(Coauthors: Assembly Members Alanis, Davies, Dixon, and Garcia)*

*(Coauthors: Senators Niello and Seyarto)*

February 14, 2023

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An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as amended, Mathis. Business licenses: United States Department of Defense SkillBridge program.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally ~~require~~ *require, on and after July 1, 2024*, a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence



to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 115.4 of the Business and Professions  
 2 Code is amended to read:

3 115.4. (a) Notwithstanding any other law, on and after July 1,  
 4 2016, a board within the department shall expedite, and may assist,  
 5 the initial licensure process for an applicant who supplies  
 6 satisfactory evidence to the board that the applicant ~~is an active~~  
 7 ~~duty member of a regular component of the Armed Forces of the~~  
 8 ~~United States enrolled in the United States Department of Defense~~  
 9 ~~SkillBridge program as authorized under Section 1143(e) of Title~~  
 10 ~~10 of the United States Code~~ or has served as an active duty  
 11 member of the Armed Forces of the United States and was  
 12 honorably discharged.

13 (b) *Notwithstanding any other law, on and after July 1, 2024,*  
 14 *a board within the department shall expedite, and may assist, the*  
 15 *initial licensure process for an applicant who supplies satisfactory*  
 16 *evidence to the board that the applicant is an active duty member*  
 17 *of a regular component of the Armed Forces of the United States*  
 18 *enrolled in the United States Department of Defense SkillBridge*  
 19 *program as authorized under Section 1143(e) of Title 10 of the*  
 20 *United States Code.*

21 (b)

22 (c) A board may adopt regulations necessary to administer this  
 23 section in accordance with the provisions of Chapter 3.5  
 24 (commencing with Section 11340) of Part 1 of Division 3 of Title  
 25 2 of the Government Code.

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AMENDED IN ASSEMBLY MARCH 27, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 996**

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**Introduced by Assembly Member Low**

February 15, 2023

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An act to add Section 36 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Low. Department of Consumer Affairs: continuing education: conflict-of-interest policy.

Existing law provides for the licensure and regulation of professions and vocations by entities within the Department of Consumer Affairs. Under existing law, several of these entities may require licensees to satisfy continuing education course requirements, including, among others, licensed physicians and surgeons licensed by the Medical Board of California and certified public accountants and public accountants licensed by the California Board of Accountancy.

This bill would require those entities to develop and maintain a conflict-of-interest policy that, at minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that ~~course~~. *course and requires conflicts to be disclosed at the beginning of each continuing education course.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 36 is added to the Business and  
2 Professions Code, to read:

3 36. (a) Any entity listed in Section 101 that is responsible for  
4 approving continuing education providers or courses shall develop  
5 and maintain a conflict-of-interest policy in accordance with  
6 subdivision (b).

7 (b) The conflict-of-interest policy required by this section shall,  
8 at a minimum, ~~discourage~~ *do both of the following:*

9 (1) *Discourage* the qualification of any continuing education  
10 course if the provider of that course has an economic interest in a  
11 commercial product or enterprise directly or indirectly promoted  
12 in that course.

13 (2) *Require conflicts to be disclosed at the beginning of each*  
14 *continuing education course.*

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AMENDED IN SENATE JUNE 28, 2023

AMENDED IN SENATE JUNE 27, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1028**

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**Introduced by Assembly Member McKinnor**  
**(Coauthor: Assembly Member Wicks)**  
*(Coauthor: Senator Wiener)*

February 15, 2023

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An act to amend, repeal, and add Sections 11160, 11161, 11163.2, and 11163.3 of the Penal Code, relating to reporting of crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1028, as amended, McKinnor. Reporting of crimes: mandated reporters.

Existing law requires a health practitioner, as defined, to make a report to law enforcement when they suspect a patient has suffered physical injury that is inflicted by the person's own act or inflicted by another where the injury is by means of a firearm, or caused by assaultive or abusive conduct, including elder abuse, sexual assault, or torture. A violation of these provisions is punishable as a misdemeanor.

This bill would, on and after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, and instead only require that report if the health practitioner suspects a patient has suffered a wound or physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm, a wound or physical injury resulting from child abuse, or a wound or physical injury resulting from elder abuse.

The bill would, on and after January 1, 2025, instead require a health practitioner who suspects that a patient has suffered physical injury that is caused by domestic violence, as defined, to, among other things, provide brief counseling, education, or other support, and a warm handoff, as defined, or referral to local and national domestic violence or sexual violence advocacy services, as specified. The bill would, on and after January 1, 2025, specify that a health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

This bill would make other conforming changes.

Because a violation of these requirements would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Recognizing that abuse survivors often need to access health
- 4 care and medical treatment apart from police reporting and criminal
- 5 legal involvement, this bill replaces mandated police reporting by
- 6 medical professionals with offering connection to survivor services.
- 7 (b) Health care providers play a critical role in prevention,
- 8 identification, and response to violence. However, current law
- 9 requiring health professionals in California to file reports to law
- 10 enforcement when treating patients for all suspected
- 11 violence-related injuries can have a chilling effect of preventing
- 12 domestic and sexual violence survivors from seeking medical care,
- 13 decreasing patient autonomy and trust, and resulting in health
- 14 providers being reluctant to address domestic and sexual violence
- 15 with their patients.
- 16 (c) Studies have shown that medical mandatory reporting of
- 17 adult domestic and sexual violence may increase patient danger
- 18 and insecurity, whereas being able to openly discuss abuse without

1 fear of police reporting can produce greater health and safety  
2 outcomes.

3 (d) Because of the complexity of interpersonal violence and  
4 impact of social inequities on safety, people who have experienced  
5 violence should be provided survivor-centered support and health  
6 care that results in better outcomes for patient safety. Doing so  
7 can improve the health and safety of patients already in care,  
8 decrease potential barriers to care, and promote trust between  
9 survivors and health providers.

10 (e) ~~Nothing in this act limits or overrides~~ *This act does not limit*  
11 *or override* the ability of a health practitioner to make reports  
12 permitted by subdivisions (c) or (j) of Section 164.512 of Title 45  
13 of the Code of Federal Regulations, or at the patient's request.  
14 Providers must still follow reporting requirements for child abuse,  
15 pursuant to Section 11165 of the Penal Code, and elder and  
16 vulnerable adult abuse, pursuant to Section 15600 of the Welfare  
17 and Institutions Code. It is the intent of the Legislature to promote  
18 partnership between health facilities and domestic and sexual  
19 violence advocacy organizations, legal aid, county forensic  
20 response teams, family justice centers, and other community-based  
21 organizations that address social determinants of health in order  
22 to better ensure the safety and wellness of their patients and provide  
23 training for health practitioners. California has made strides to  
24 enhance health practitioners' capacity to address and prevent  
25 violence and trauma, including education for practitioners on how  
26 to assess for and document abuse as referenced in subdivision (h)  
27 of Section 2191 of, Section 2196.5 of, and Section 2091.2 of, the  
28 Business and Professions Code, Section 13823.93 of the Penal  
29 Code, and Section 1259.5 of the Health and Safety Code.

30 SEC. 2. Section 11160 of the Penal Code is amended to read:

31 11160. (a) A health practitioner, as defined in subdivision (a)  
32 of Section 11162.5, employed by a health facility, clinic,  
33 physician's office, local or state public health department, local  
34 government agency, or a clinic or other type of facility operated  
35 by a local or state public health department who, in the health  
36 practitioner's professional capacity or within the scope of the health  
37 practitioner's employment, provides medical services for a physical  
38 condition to a patient whom the health practitioner knows or  
39 reasonably suspects is a person described as follows, shall  
40 immediately make a report in accordance with subdivision (b):

1 (1) A person suffering from a wound or other physical injury  
2 inflicted by the person’s own act or inflicted by another where the  
3 injury is by means of a firearm.

4 (2) A person suffering from a wound or other physical injury  
5 inflicted upon the person where the injury is the result of assaultive  
6 or abusive conduct.

7 (b) A health practitioner, as defined in subdivision (a) of Section  
8 11162.5, employed by a health facility, clinic, physician’s office,  
9 local or state public health department, local government agency,  
10 or a clinic or other type of facility operated by a local or state  
11 public health department shall make a report regarding persons  
12 described in subdivision (a) to a local law enforcement agency as  
13 follows:

14 (1) A report by telephone shall be made immediately or as soon  
15 as practically possible.

16 (2) A written report shall be prepared on the standard form  
17 developed in compliance with paragraph (4), and adopted by the  
18 Office of Emergency Services, or on a form developed and adopted  
19 by another state agency that otherwise fulfills the requirements of  
20 the standard form. The completed form shall be sent to a local law  
21 enforcement agency within two working days of receiving the  
22 information regarding the person.

23 (3) A local law enforcement agency shall be notified and a  
24 written report shall be prepared and sent pursuant to paragraphs  
25 (1) and (2) even if the person who suffered the wound, other injury,  
26 or assaultive or abusive conduct has expired, regardless of whether  
27 or not the wound, other injury, or assaultive or abusive conduct  
28 was a factor contributing to the death, and even if the evidence of  
29 the conduct of the perpetrator of the wound, other injury, or  
30 assaultive or abusive conduct was discovered during an autopsy.

31 (4) The report shall include, but shall not be limited to, the  
32 following:

- 33 (A) The name of the injured person, if known.
- 34 (B) The injured person’s whereabouts.
- 35 (C) The character and extent of the person’s injuries.
- 36 (D) The identity of any person the injured person alleges  
37 inflicted the wound, other injury, or assaultive or abusive conduct  
38 upon the injured person.

39 (c) For the purposes of this section, “injury” does not include  
40 any psychological or physical condition brought about solely

1 through the voluntary administration of a narcotic or restricted  
2 dangerous drug.

3 (d) For the purposes of this section, “assaultive or abusive  
4 conduct” includes any of the following offenses:

5 (1) Murder, in violation of Section 187.

6 (2) Manslaughter, in violation of Section 192 or 192.5.

7 (3) Mayhem, in violation of Section 203.

8 (4) Aggravated mayhem, in violation of Section 205.

9 (5) Torture, in violation of Section 206.

10 (6) Assault with intent to commit mayhem, rape, sodomy, or  
11 oral copulation, in violation of Section 220.

12 (7) Administering controlled substances or anesthetic to aid in  
13 commission of a felony, in violation of Section 222.

14 (8) Battery, in violation of Section 242.

15 (9) Sexual battery, in violation of Section 243.4.

16 (10) Incest, in violation of Section 285.

17 (11) Throwing any vitriol, corrosive acid, or caustic chemical  
18 with intent to injure or disfigure, in violation of Section 244.

19 (12) Assault with a stun gun or taser, in violation of Section  
20 244.5.

21 (13) Assault with a deadly weapon, firearm, assault weapon, or  
22 machinegun, or by means likely to produce great bodily injury, in  
23 violation of Section 245.

24 (14) Rape, in violation of Section 261 or former Section 262.

25 (15) Procuring a person to have sex with another person, in  
26 violation of Section 266, 266a, 266b, or 266c.

27 (16) Child abuse or endangerment, in violation of Section 273a  
28 or 273d.

29 (17) Abuse of spouse or cohabitant, in violation of Section  
30 273.5.

31 (18) Sodomy, in violation of Section 286.

32 (19) Lewd and lascivious acts with a child, in violation of  
33 Section 288.

34 (20) Oral copulation, in violation of Section 287 or former  
35 Section 288a.

36 (21) Sexual penetration, in violation of Section 289.

37 (22) Elder abuse, in violation of Section 368.

38 (23) An attempt to commit any crime specified in paragraphs  
39 (1) to (22), inclusive.



1 (e) When two or more persons who are required to report are  
 2 present and jointly have knowledge of a known or suspected  
 3 instance of violence that is required to be reported pursuant to this  
 4 section, and when there is an agreement among these persons to  
 5 report as a team, the team may select by mutual agreement a  
 6 member of the team to make a report by telephone and a single  
 7 written report, as required by subdivision (b). The written report  
 8 shall be signed by the selected member of the reporting team. Any  
 9 member who has knowledge that the member designated to report  
 10 has failed to do so shall thereafter make the report.

11 (f) The reporting duties under this section are individual, except  
 12 as provided in subdivision (e).

13 (g) A supervisor or administrator shall not impede or inhibit the  
 14 reporting duties required under this section and a person making  
 15 a report pursuant to this section shall not be subject to any sanction  
 16 for making the report. However, internal procedures to facilitate  
 17 reporting and apprise supervisors and administrators of reports  
 18 may be established, except that these procedures shall not be  
 19 inconsistent with this article. The internal procedures shall not  
 20 require an employee required to make a report under this article  
 21 to disclose the employee’s identity to the employer.

22 (h) For the purposes of this section, it is the Legislature’s intent  
 23 to avoid duplication of information.

24 (i) For purposes of this section only, “employed by a local  
 25 government agency” includes an employee of an entity under  
 26 contract with a local government agency to provide medical  
 27 services.

28 (j) This section shall remain in effect only until January 1, 2025,  
 29 and as of that date is repealed.

30 SEC. 3. Section 11160 is added to the Penal Code, to read:

31 11160. (a) A health practitioner, as defined in subdivision (a)  
 32 of Section 11162.5, employed by a health facility, clinic,  
 33 physician’s office, local or state public health department, local  
 34 government agency, or a clinic or other type of facility operated  
 35 by a local or state public health department who, in the health  
 36 practitioner’s professional capacity or within the scope of the health  
 37 practitioner’s employment, provides medical services for a physical  
 38 condition to a patient whom the health practitioner knows or  
 39 reasonably suspects is a person suffering from any of the following

1 shall immediately make a report in accordance with subdivision  
2 (b):

3 (1) A wound or other physical injury inflicted by the person's  
4 own act or inflicted by another where the injury is by means of a  
5 firearm.

6 (2) A wound or other physical injury resulting from child abuse,  
7 pursuant to Section 11165.6.

8 (3) A wound or other physical injury resulting from abuse of  
9 an elder or dependent adult, pursuant to Section 15610.07 of the  
10 Welfare and Institutions Code.

11 (b) A health practitioner, as defined in subdivision (a) of Section  
12 11162.5, employed by a health facility, clinic, physician's office,  
13 local or state public health department, local government agency,  
14 or a clinic or other type of facility operated by a local or state  
15 public health department shall make a report regarding persons  
16 described in subdivision (a) to a local law enforcement agency as  
17 follows:

18 (1) A report by telephone shall be made immediately or as soon  
19 as practically possible.

20 (2) A written report shall be prepared on the standard form  
21 developed in compliance with paragraph (4), and adopted by the  
22 Office of Emergency Services, or on a form developed and adopted  
23 by another state agency that otherwise fulfills the requirements of  
24 the standard form. The completed form shall be maintained in the  
25 medical record and sent to a local law enforcement agency within  
26 two working days of the patient receiving treatment.

27 (3) A local law enforcement agency shall be notified and a  
28 written report shall be prepared and sent pursuant to paragraphs  
29 (1) and (2) even if the person who suffered the wound or other  
30 injury has expired, regardless of whether or not the wound or other  
31 injury was a factor contributing to the death, and even if the  
32 evidence of the conduct of the perpetrator of the wound or other  
33 injury was discovered during an autopsy.

34 (4) The report shall include, but shall not be limited to, the  
35 following:

36 (A) The name of the injured person, if known.

37 (B) The injured person's whereabouts.

38 (C) The character and extent of the person's injuries.

39 (D) The identity of any person the injured person alleges  
40 inflicted the wound or other injury upon the injured person.

1 (c) If an adult seeking care for injuries related to domestic,  
2 sexual, or any nonaccidental violent injury, requests a report be  
3 sent to law enforcement, health practitioners shall adhere to the  
4 reporting process outlined in paragraph (3) of subdivision (b). The  
5 medical documentation of injuries related to domestic, sexual, or  
6 any nonaccidental violent injury shall be conducted and made  
7 available to the patient for use as outlined in the Health Insurance  
8 Portability and Accountability Act.

9 (d) For the purposes of this section, “injury” does not include  
10 any psychological or physical condition brought about solely  
11 through the voluntary administration of a narcotic or restricted  
12 dangerous drug.

13 (e) When two or more persons who are required to report are  
14 present and jointly have knowledge of a known or suspected  
15 instance of violence that is required to be reported pursuant to this  
16 section, and when there is an agreement among these persons to  
17 report as a team, the team may select by mutual agreement a  
18 member of the team to make a report by telephone and a single  
19 written report, as required by subdivision (b). The written report  
20 shall be signed by the selected member of the reporting team. Any  
21 member who has knowledge that the member designated to report  
22 has failed to do so shall thereafter make the report.

23 (f) The reporting duties under this section are individual, except  
24 as provided in subdivision (e).

25 (g) A supervisor or administrator shall not impede or inhibit the  
26 reporting duties required under this section and a person making  
27 a report pursuant to this section shall not be subject to any sanction  
28 for making the report. However, internal procedures to facilitate  
29 reporting and apprise supervisors and administrators of reports  
30 may be established, except that these procedures shall not be  
31 inconsistent with this article. The internal procedures shall not  
32 require an employee required to make a report under this article  
33 to disclose the employee’s identity to the employer.

34 (h) (1) A health practitioner, as defined in subdivision (a) of  
35 Section 11162.5, employed by a health facility, clinic, physician’s  
36 office, local or state public health department, local government  
37 agency, or a clinic or other type of facility operated by a local or  
38 state public health department who, in the health practitioner’s  
39 professional capacity or within the scope of the health practitioner’s  
40 employment, provides medical services to a patient whom the

1 health practitioner knows or reasonably suspects is experiencing  
2 any form of domestic violence, as set forth in Section 124250 of  
3 the Health and Safety Code, or sexual violence, as set forth in  
4 Sections 243.4 and 261, shall, to the degree that it is medically  
5 possible for the individual patient, provide brief counseling,  
6 education, or other support, and offer a warm handoff or referral  
7 to local and national domestic violence or sexual violence advocacy  
8 services, as described in Sections 1035.2 and 1037.1 of the  
9 Evidence Code, before the end of the patient visit. The health  
10 practitioner shall have met the requirements of this subdivision  
11 when the brief counseling, education, or other support is provided  
12 and warm handoff or referral is offered by a member of the health  
13 care team at the health facility.

14 (2) If the health practitioner is providing medical services to  
15 the patient in the emergency department of a general acute care  
16 hospital, they shall also offer assistance to the patient in accessing  
17 a forensic evidentiary exam or reporting to law enforcement, if  
18 the patient wants to pursue these options.

19 (i) A health practitioner may offer a warm handoff and referral  
20 to other available victim services, including, but not limited to,  
21 legal aid, community-based organizations, behavioral health, crime  
22 victim compensation, forensic evidentiary exams, trauma recovery  
23 centers, family justice centers, and law enforcement to patients  
24 who are suspected to have suffered any nonaccidental injury.

25 (j) To the extent possible, health practitioners shall document  
26 all nonaccidental violent injuries and incidents of abuse in the  
27 medical record. Health practitioners shall follow privacy and  
28 confidentiality protocols when documenting violence and abuse  
29 to promote the safety of the patient. If documenting abuse in the  
30 medical record increases danger for the patient, it may be marked  
31 confidential.

32 (k) This section does not limit or override the ability of a health  
33 care practitioner to make reports to law enforcement at the patient's  
34 request, or as permitted by the federal Health Insurance Portability  
35 and Accountability Act of 1996 in Section 164.512(c) of Title 45  
36 of the Code of Federal Regulations, which permits disclosures  
37 about victims of abuse, neglect, or domestic violence, if the  
38 individual agrees, or pursuant to Section 164.512(j) of Title 45 of  
39 the Code of Federal Regulations, which permits disclosures to

1 prevent or limit a serious and imminent threat to a person or the  
2 public.

3 (l) For the purposes of this section, it is the Legislature’s intent  
4 to avoid duplication of information.

5 (m) For purposes of this section only, “employed by a local  
6 government agency” includes an employee of an entity under  
7 contract with a local government agency to provide medical  
8 services.

9 (n) For purposes of this section, the following terms have the  
10 following meanings:

11 (1) “Warm handoff” may include, but is not limited to, the health  
12 practitioner establishing direct and live connection through a call  
13 with a survivor advocate, in-person onsite survivor advocate,  
14 in-person on-call survivor advocate, or some other form of  
15 teleadvocacy. When a telephone call is not possible, the warm  
16 handoff may be completed through an email. The patient may  
17 decline the warm handoff.

18 (2) “Referral” may include, but is not limited to, the health  
19 practitioner sharing information about how a patient can get in  
20 touch with a local or national survivor advocacy organization,  
21 information about how the survivor advocacy organization could  
22 be helpful for the patient, what the patient could expect when  
23 contacting the survivor advocacy organization, or the survivor  
24 advocacy organization’s contact information.

25 (o) A health practitioner shall not be civilly or criminally liable  
26 for acting in compliance with this section and for any report that  
27 is made in good faith and in compliance with this section and all  
28 other applicable state and federal laws.

29 (p) This section shall become operative on January 1, 2025.

30 SEC. 4. Section 11161 of the Penal Code is amended to read:

31 11161. Notwithstanding Section 11160, the following shall  
32 apply to every physician and surgeon who has under their charge  
33 or care any person described in subdivision (a) of Section 11160:

34 (a) The physician and surgeon shall make a report in accordance  
35 with subdivision (b) of Section 11160 to a local law enforcement  
36 agency.

37 (b) It is recommended that any medical records of a person  
38 about whom the physician and surgeon is required to report  
39 pursuant to subdivision (a) include the following:

1 (1) Any comments by the injured person regarding past domestic  
2 violence, as defined in Section 13700, or regarding the name of  
3 any person suspected of inflicting the wound, other physical injury,  
4 or assaultive or abusive conduct upon the person.

5 (2) A map of the injured person’s body showing and identifying  
6 injuries and bruises at the time of the health care.

7 (3) A copy of the law enforcement reporting form.

8 (c) It is recommended that the physician and surgeon refer the  
9 person to local domestic violence services if the person is suffering  
10 or suspected of suffering from domestic violence, as defined in  
11 Section 13700.

12 (d) This section shall remain in effect only until January 1, 2025,  
13 and as of that date is repealed.

14 SEC. 5. Section 11161 is added to the Penal Code, to read:

15 11161. Notwithstanding Section 11160, the following shall  
16 apply to every health practitioner who has under their charge or  
17 care any person described in subdivision (a) of Section 11160:

18 (a) The health practitioner or member of the care team shall  
19 make a report in accordance with subdivision (b) of Section 11160  
20 to a local law enforcement agency.

21 (b) It is recommended that any medical records of a person  
22 about whom the health practitioner or member of the care team is  
23 required to report pursuant to subdivision (a) include the following:

24 (1) Any comments by the injured person regarding past domestic  
25 violence, as defined in Section 13700, or regarding the name of  
26 any person suspected of inflicting the wound or other physical  
27 injury upon the person.

28 (2) A map of the injured person’s body showing and identifying  
29 injuries and bruises at the time of the health care.

30 (3) A copy of the law enforcement reporting form.

31 (c) The health practitioner or member of the care team shall  
32 offer a referral to local domestic violence services if the person is  
33 suffering or suspected of suffering from domestic violence, as  
34 defined in Section 13700.

35 (d) This section shall become operative on January 1, 2025.

36 SEC. 6. Section 11163.2 of the Penal Code is amended to read:

37 11163.2. (a) In any court proceeding or administrative hearing,  
38 neither the physician-patient privilege nor the psychotherapist  
39 privilege applies to the information required to be reported pursuant  
40 to this article.

1 (b) The reports required by this article shall be kept confidential  
 2 by the health facility, clinic, or physician’s office that submitted  
 3 the report, and by local law enforcement agencies, and shall only  
 4 be disclosed by local law enforcement agencies to those involved  
 5 in the investigation of the report or the enforcement of a criminal  
 6 law implicated by a report. In no case shall the person suspected  
 7 or accused of inflicting the wound, other injury, or assaultive or  
 8 abusive conduct upon the injured person or their attorney be  
 9 allowed access to the injured person’s whereabouts. Nothing in  
 10 this subdivision is intended to conflict with Section 1054.1 or  
 11 1054.2.

12 (c) For the purposes of this article, reports of suspected child  
 13 abuse and information contained therein may be disclosed only to  
 14 persons or agencies with whom investigations of child abuse are  
 15 coordinated under the regulations promulgated under Section  
 16 11174.

17 (d) The Board of Prison Terms may subpoena reports that are  
 18 not unfounded and reports that concern only the current incidents  
 19 upon which parole revocation proceedings are pending against a  
 20 parolee.

21 (e) This section shall remain in effect only until January 1, 2025,  
 22 and as of that date is repealed.

23 SEC. 7. Section 11163.2 is added to the Penal Code, to read:  
 24 11163.2. (a) In any court proceeding or administrative hearing,  
 25 neither the physician-patient privilege nor the  
 26 psychotherapist-patient privilege applies to the information required  
 27 to be reported pursuant to this article.

28 (b) The reports required by this article shall be kept confidential  
 29 by the health facility, clinic, or physician’s office that submitted  
 30 the report, and by local law enforcement agencies, and shall only  
 31 be disclosed by local law enforcement agencies to those involved  
 32 in the investigation of the report or the enforcement of a criminal  
 33 law implicated by a report. In no case shall the person suspected  
 34 or accused of inflicting the wound or other injury upon the injured  
 35 person, or the attorney of the suspect or accused, be allowed access  
 36 to the injured person’s whereabouts. Nothing in this subdivision  
 37 is intended to conflict with Section 1054.1 or 1054.2.

38 (c) For the purposes of this article, reports of suspected child  
 39 abuse and information contained therein may be disclosed only to  
 40 persons or agencies with whom investigations of child abuse are

1 coordinated under the regulations promulgated under Section  
2 11174.

3 (d) The Board of Prison Terms may subpoena reports that are  
4 not unfounded and reports that concern only the current incidents  
5 upon which parole revocation proceedings are pending against a  
6 parolee.

7 (e) This section shall become operative on January 1, 2025.

8 SEC. 8. Section 11163.3 of the Penal Code is amended to read:

9 11163.3. (a) A county may establish an interagency domestic  
10 violence death review team to assist local agencies in identifying  
11 and reviewing domestic violence deaths and near deaths, including  
12 homicides and suicides, and facilitating communication among  
13 the various agencies involved in domestic violence cases.  
14 Interagency domestic violence death review teams have been used  
15 successfully to ensure that incidents of domestic violence and  
16 abuse are recognized and that agency involvement is reviewed to  
17 develop recommendations for policies and protocols for community  
18 prevention and intervention initiatives to reduce and eradicate the  
19 incidence of domestic violence.

20 (b) (1) For purposes of this section, “abuse” has the meaning  
21 set forth in Section 6203 of the Family Code and “domestic  
22 violence” has the meaning set forth in Section 6211 of the Family  
23 Code.

24 (2) For purposes of this section, “near death” means the victim  
25 suffered a life-threatening injury, as determined by a licensed  
26 physician or licensed nurse, as a result of domestic violence.

27 (c) A county may develop a protocol that may be used as a  
28 guideline to assist coroners and other persons who perform  
29 autopsies on domestic violence victims in the identification of  
30 domestic violence, in the determination of whether domestic  
31 violence contributed to death or whether domestic violence had  
32 occurred prior to death, but was not the actual cause of death, and  
33 in the proper written reporting procedures for domestic violence,  
34 including the designation of the cause and mode of death.

35 (d) County domestic violence death review teams shall be  
36 comprised of, but not limited to, the following:

- 37 (1) Experts in the field of forensic pathology.
- 38 (2) Medical personnel with expertise in domestic violence abuse.
- 39 (3) Coroners and medical examiners.
- 40 (4) Criminologists.



1 (5) District attorneys and city attorneys.

2 (6) Representatives of domestic violence victim service  
3 organizations, as defined in subdivision (b) of Section 1037.1 of  
4 the Evidence Code.

5 (7) Law enforcement personnel.

6 (8) Representatives of local agencies that are involved with  
7 domestic violence abuse reporting.

8 (9) County health department staff who deal with domestic  
9 violence victims' health issues.

10 (10) Representatives of local child abuse agencies.

11 (11) Local professional associations of persons described in  
12 paragraphs (1) to (10), inclusive.

13 (e) An oral or written communication or a document shared  
14 within or produced by a domestic violence death review team  
15 related to a domestic violence death review is confidential and not  
16 subject to disclosure or discoverable by a third party. An oral or  
17 written communication or a document provided by a third party  
18 to a domestic violence death review team, or between a third party  
19 and a domestic violence death review team, is confidential and not  
20 subject to disclosure or discoverable by a third party. This includes  
21 a statement provided by a survivor in a near-death case review.  
22 Notwithstanding the foregoing, recommendations of a domestic  
23 violence death review team upon the completion of a review may  
24 be disclosed at the discretion of a majority of the members of the  
25 domestic violence death review team.

26 (f) Each organization represented on a domestic violence death  
27 review team may share with other members of the team information  
28 in its possession concerning the victim who is the subject of the  
29 review or any person who was in contact with the victim and any  
30 other information deemed by the organization to be pertinent to  
31 the review. Any information shared by an organization with other  
32 members of a team is confidential. This provision shall permit the  
33 disclosure to members of the team of any information deemed  
34 confidential, privileged, or prohibited from disclosure by any other  
35 statute.

36 (g) Written and oral information may be disclosed to a domestic  
37 violence death review team established pursuant to this section.  
38 The team may make a request in writing for the information sought  
39 and any person with information of the kind described in paragraph

1 (2) may rely on the request in determining whether information  
2 may be disclosed to the team.

3 (1) An individual or agency that has information governed by  
4 this subdivision shall not be required to disclose information. The  
5 intent of this subdivision is to allow the voluntary disclosure of  
6 information by the individual or agency that has the information.

7 (2) The following information may be disclosed pursuant to this  
8 subdivision:

9 (A) Notwithstanding Section 56.10 of the Civil Code, medical  
10 information.

11 (B) Notwithstanding Section 5328 of the Welfare and  
12 Institutions Code, mental health information.

13 (C) Notwithstanding Section 15633.5 of the Welfare and  
14 Institutions Code, information from elder abuse reports and  
15 investigations, except the identity of persons who have made  
16 reports, which shall not be disclosed.

17 (D) Notwithstanding Section 11167.5 of the Penal Code,  
18 information from child abuse reports and investigations, except  
19 the identity of persons who have made reports, which shall not be  
20 disclosed.

21 (E) State summary criminal history information, criminal  
22 offender record information, and local summary criminal history  
23 information, as defined in Sections 11075, 11105, and 13300 of  
24 the Penal Code.

25 (F) Notwithstanding Section 11163.2 of the Penal Code,  
26 information pertaining to reports by health practitioners of persons  
27 suffering from physical injuries inflicted by means of a firearm or  
28 of persons suffering physical injury where the injury is a result of  
29 assaultive or abusive conduct, and information relating to whether  
30 a physician referred the person to local domestic violence services  
31 as recommended by Section 11161 of the Penal Code.

32 (G) Notwithstanding Section 827 of the Welfare and Institutions  
33 Code, information in any juvenile court proceeding.

34 (H) Information maintained by the Family Court, including  
35 information relating to the Family Conciliation Court Law pursuant  
36 to Section 1818 of the Family Code, and Mediation of Custody  
37 and Visitation Issues pursuant to Section 3177 of the Family Code.

38 (I) Information provided to probation officers in the course of  
39 the performance of their duties, including, but not limited to, the

1 duty to prepare reports pursuant to Section 1203.10 of the Penal  
2 Code, as well as the information on which these reports are based.  
3 (J) Notwithstanding Section 10850 of the Welfare and  
4 Institutions Code, records of in-home supportive services, unless  
5 disclosure is prohibited by federal law.

6 (3) The disclosure of written and oral information authorized  
7 under this subdivision shall apply notwithstanding Sections 2263,  
8 2918, 4982, and 6068 of the Business and Professions Code, or  
9 the lawyer-client privilege protected by Article 3 (commencing  
10 with Section 950) of Chapter 4 of Division 8 of the Evidence Code,  
11 the physician-patient privilege protected by Article 6 (commencing  
12 with Section 990) of Chapter 4 of Division 8 of the Evidence Code,  
13 the psychotherapist-patient privilege protected by Article 7  
14 (commencing with Section 1010) of Chapter 4 of Division 8 of  
15 the Evidence Code, the sexual assault counselor-victim privilege  
16 protected by Article 8.5 (commencing with Section 1035) of  
17 Chapter 4 of Division 8 of the Evidence Code, the domestic  
18 violence counselor-victim privilege protected by Article 8.7  
19 (commencing with Section 1037) of Chapter 4 of Division 8 of  
20 the Evidence Code, and the human trafficking caseworker-victim  
21 privilege protected by Article 8.8 (commencing with Section 1038)  
22 of Chapter 4 of Division 8 of the Evidence Code.

23 (4) In near-death cases, representatives of domestic violence  
24 victim service organizations, as defined in subdivision (b) of  
25 Section 1037.1 of the Evidence Code, shall obtain an individual's  
26 informed consent in accordance with all applicable state and federal  
27 confidentiality laws, before disclosing confidential information  
28 about that individual to another team member as specified in this  
29 section. In death review cases, representatives of domestic violence  
30 victim service organizations shall only provide client-specific  
31 information in accordance with both state and federal  
32 confidentiality requirements.

33 (5) Near-death case reviews shall only occur after any  
34 prosecution has concluded.

35 (6) Near-death survivors shall not be compelled to participate  
36 in death review team investigations; their participation is voluntary.  
37 In cases of death, the victim's family members may be invited to  
38 participate, however they shall not be compelled to do so; their  
39 participation is voluntary. Members of the death review teams

1 shall be prepared to provide referrals for services to address the  
2 unmet needs of survivors and their families when appropriate.

3 (h) This section shall remain in effect only until January 1, 2025,  
4 and as of that date is repealed.

5 SEC. 9. Section 11163.3 is added to the Penal Code, to read:

6 11163.3. (a) A county may establish an interagency domestic  
7 violence death review team to assist local agencies in identifying  
8 and reviewing domestic violence deaths and near deaths, including  
9 homicides and suicides, and facilitating communication among  
10 the various agencies involved in domestic violence cases.  
11 Interagency domestic violence death review teams have been used  
12 successfully to ensure that incidents of domestic violence and  
13 abuse are recognized and that agency involvement is reviewed to  
14 develop recommendations for policies and protocols for community  
15 prevention and intervention initiatives to reduce and eradicate the  
16 incidence of domestic violence.

17 (b) (1) For purposes of this section, “abuse” has the meaning  
18 set forth in Section 6203 of the Family Code and “domestic  
19 violence” has the meaning set forth in Section 6211 of the Family  
20 Code.

21 (2) For purposes of this section, “near death” means the victim  
22 suffered a life-threatening injury, as determined by a licensed  
23 physician or licensed nurse, as a result of domestic violence.

24 (c) A county may develop a protocol that may be used as a  
25 guideline to assist coroners and other persons who perform  
26 autopsies on domestic violence victims in the identification of  
27 domestic violence, in the determination of whether domestic  
28 violence contributed to death or whether domestic violence had  
29 occurred prior to death, but was not the actual cause of death, and  
30 in the proper written reporting procedures for domestic violence,  
31 including the designation of the cause and mode of death.

32 (d) County domestic violence death review teams shall be  
33 comprised of, but not limited to, the following:

- 34 (1) Experts in the field of forensic pathology.
- 35 (2) Medical personnel with expertise in domestic violence abuse.
- 36 (3) Coroners and medical examiners.
- 37 (4) Criminologists.
- 38 (5) District attorneys and city attorneys.

1 (6) Representatives of domestic violence victim service  
2 organizations, as defined in subdivision (b) of Section 1037.1 of  
3 the Evidence Code.

4 (7) Law enforcement personnel.

5 (8) Representatives of local agencies that are involved with  
6 domestic violence abuse reporting.

7 (9) County health department staff who deal with domestic  
8 violence victims' health issues.

9 (10) Representatives of local child abuse agencies.

10 (11) Local professional associations of persons described in  
11 paragraphs (1) to (10), inclusive.

12 (e) An oral or written communication or a document shared  
13 within or produced by a domestic violence death review team  
14 related to a domestic violence death review is confidential and not  
15 subject to disclosure or discoverable by a third party. An oral or  
16 written communication or a document provided by a third party  
17 to a domestic violence death review team, or between a third party  
18 and a domestic violence death review team, is confidential and not  
19 subject to disclosure or discoverable by a third party. This includes  
20 a statement provided by a survivor in a near-death case review.  
21 Notwithstanding the foregoing, recommendations of a domestic  
22 violence death review team upon the completion of a review may  
23 be disclosed at the discretion of a majority of the members of the  
24 domestic violence death review team.

25 (f) Each organization represented on a domestic violence death  
26 review team may share with other members of the team information  
27 in its possession concerning the victim who is the subject of the  
28 review or any person who was in contact with the victim and any  
29 other information deemed by the organization to be pertinent to  
30 the review. Any information shared by an organization with other  
31 members of a team is confidential. This provision shall permit the  
32 disclosure to members of the team of any information deemed  
33 confidential, privileged, or prohibited from disclosure by any other  
34 statute.

35 (g) Written and oral information may be disclosed to a domestic  
36 violence death review team established pursuant to this section.  
37 The team may make a request in writing for the information sought  
38 and any person with information of the kind described in paragraph  
39 (2) may rely on the request in determining whether information  
40 may be disclosed to the team.

1 (1) An individual or agency that has information governed by  
2 this subdivision shall not be required to disclose information. The  
3 intent of this subdivision is to allow the voluntary disclosure of  
4 information by the individual or agency that has the information.

5 (2) The following information may be disclosed pursuant to this  
6 subdivision:

7 (A) Notwithstanding Section 56.10 of the Civil Code, medical  
8 information.

9 (B) Notwithstanding Section 5328 of the Welfare and  
10 Institutions Code, mental health information.

11 (C) Notwithstanding Section 15633.5 of the Welfare and  
12 Institutions Code, information from elder abuse reports and  
13 investigations, except the identity of persons who have made  
14 reports, which shall not be disclosed.

15 (D) Notwithstanding Section 11167.5, information from child  
16 abuse reports and investigations, except the identity of persons  
17 who have made reports, which shall not be disclosed.

18 (E) State summary criminal history information, criminal  
19 offender record information, and local summary criminal history  
20 information, as defined in Sections 11075, 11105, and 13300.

21 (F) Notwithstanding Section 11163.2, information pertaining  
22 to reports by health practitioners of persons suffering from physical  
23 injuries inflicted by means of a firearm or abuse, if reported, and  
24 information relating to whether a physician referred the person to  
25 local domestic violence services, as recommended by Section  
26 11161.

27 (G) Notwithstanding Section 827 of the Welfare and Institutions  
28 Code, information in any juvenile court proceeding.

29 (H) Information maintained by the Family Court, including  
30 information relating to the Family Conciliation Court Law pursuant  
31 to Section 1818 of the Family Code, and Mediation of Custody  
32 and Visitation Issues pursuant to Section 3177 of the Family Code.

33 (I) Information provided to probation officers in the course of  
34 the performance of their duties, including, but not limited to, the  
35 duty to prepare reports pursuant to Section 1203.10, as well as the  
36 information on which these reports are based.

37 (J) Notwithstanding Section 10850 of the Welfare and  
38 Institutions Code, records of in-home supportive services, unless  
39 disclosure is prohibited by federal law.

1 (3) The disclosure of written and oral information authorized  
2 under this subdivision shall apply notwithstanding Sections 2263,  
3 2918, 4982, and 6068 of the Business and Professions Code, or  
4 the lawyer-client privilege protected by Article 3 (commencing  
5 with Section 950) of Chapter 4 of Division 8 of the Evidence Code,  
6 the physician-patient privilege protected by Article 6 (commencing  
7 with Section 990) of Chapter 4 of Division 8 of the Evidence Code,  
8 the psychotherapist-patient privilege protected by Article 7  
9 (commencing with Section 1010) of Chapter 4 of Division 8 of  
10 the Evidence Code, the sexual assault counselor-victim privilege  
11 protected by Article 8.5 (commencing with Section 1035) of  
12 Chapter 4 of Division 8 of the Evidence Code, the domestic  
13 violence counselor-victim privilege protected by Article 8.7  
14 (commencing with Section 1037) of Chapter 4 of Division 8 of  
15 the Evidence Code, and the human trafficking caseworker-victim  
16 privilege protected by Article 8.8 (commencing with Section 1038)  
17 of Chapter 4 of Division 8 of the Evidence Code.

18 (4) In near-death cases, representatives of domestic violence  
19 victim service organizations, as defined in subdivision (b) of  
20 Section 1037.1 of the Evidence Code, shall obtain an individual’s  
21 informed consent in accordance with all applicable state and federal  
22 confidentiality laws, before disclosing confidential information  
23 about that individual to another team member as specified in this  
24 section. In death review cases, representatives of domestic violence  
25 victim service organizations shall only provide client-specific  
26 information in accordance with both state and federal  
27 confidentiality requirements.

28 (5) Near-death case reviews shall only occur after any  
29 prosecution has concluded.

30 (6) Near-death survivors shall not be compelled to participate  
31 in death review team investigations; their participation is voluntary.  
32 In cases of death, the victim’s family members may be invited to  
33 participate, however they shall not be compelled to do so; their  
34 participation is voluntary. Members of the death review teams  
35 shall be prepared to provide referrals for services to address the  
36 unmet needs of survivors and their families when appropriate.

37 (h) This section shall become operative on January 1, 2025.

38 SEC. 10. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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AMENDED IN SENATE JULY 10, 2023

AMENDED IN ASSEMBLY APRIL 12, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1707**

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**Introduced by Assembly Member Pacheco**  
*(Coauthors: Assembly Members Aguiar-Curry, Bryan, and Quirk-Silva)*

February 17, 2023

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An act to add Sections 805.9 and 850.1 to the Business and Professions Code, and to add Sections 1220.1 and 1265.11 to the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1707, as amended, Pacheco. Health professionals and facilities: adverse actions based on another state's law.

Existing law establishes various boards within the Department of Consumer Affairs to license and regulate various health professionals. Existing law prohibits the Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, and the Physician Assistant Board from denying an application for licensure or suspending, revoking, or otherwise imposing discipline upon a licensee because the person was disciplined in another state in which they are licensed solely for performing an abortion in that state or because the person was convicted in another state for an offense related solely to performing an abortion in that state.

Existing law provides for the licensure of clinics and health facilities by the Licensing and Certification Division of the State Department of

Public Health. Existing law makes a violation of these provisions punishable as a misdemeanor, except as specified.

This bill would prohibit a healing arts board under the Department of Consumer Affairs from denying an application for a license or imposing discipline upon a licensee on the basis of a civil judgment, criminal conviction, or disciplinary action in another state that is based on the application of another state’s law that interferes with a person’s right to receive sensitive services, as defined, that would be lawful in this state. The bill would similarly prohibit a health facility from denying staff privileges to, removing from medical staff, or restricting the staff privileges of a licensed health professional on the basis of such a civil judgment, criminal conviction, or disciplinary action imposed by another state. The bill also would also prohibit the denial, suspension, revocation, or limitation of a clinic or health facility license on the basis of those types of civil judgments, criminal convictions, or disciplinary actions imposed by another state. The bill would exempt from the above-specified provisions a civil judgment, criminal conviction, or disciplinary action imposed by another state for which a similar claim, charge, or action would exist against the applicant or licensee under the laws of this state. By imposing new prohibitions under the provisions related to clinics and health facilities, the violation of which is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 805.9 is added to the Business and
- 2 Professions Code, to read:
- 3 805.9. (a) A health facility licensed pursuant to Chapter 2
- 4 (commencing with Section 1250) of Division 2 of the Health and
- 5 Safety Code shall not deny staff privileges to, remove from medical
- 6 staff, or restrict the staff privileges of a person licensed by a healing
- 7 arts board in this state on the basis of a civil judgment, criminal
- 8 conviction, or disciplinary action imposed by another state if that

1 judgment, conviction, or disciplinary action is based solely on the  
2 application of another state’s law that interferes with a person’s  
3 right to receive sensitive services that would be lawful if provided  
4 in this state.

5 (b) This section does not apply to a civil judgment, criminal  
6 conviction, or disciplinary action imposed in another state for  
7 which a similar claim, charge, or action would exist against the  
8 licensee under the laws of this state.

9 (c) For purposes of this section:

10 (1) “Healing arts board” means any board, division, or  
11 examining committee in the Department of Consumer Affairs that  
12 licenses or certifies health professionals.

13 (2) “Sensitive services” has the same meaning as in Section  
14 56.05 of the Civil Code.

15 SEC. 2. Section 850.1 is added to the Business and Professions  
16 Code, to read:

17 850.1. (a) A healing arts board shall not deny an application  
18 for licensure or suspend, revoke, or otherwise impose discipline  
19 upon a licensee on the basis of a civil judgment, criminal  
20 conviction, or disciplinary action in another state if that judgment,  
21 conviction, or disciplinary action is based solely on the application  
22 of another state’s law that interferes with a person’s right to receive  
23 ~~care~~ *sensitive services* that would be lawful if provided in this  
24 state.

25 (b) This section does not apply to a civil judgment, criminal  
26 conviction, or disciplinary action imposed in another state for  
27 which a similar claim, charge, or action would exist against the  
28 applicant or licensee under the laws of this state.

29 (c) For purposes of this section:

30 (1) “Healing arts board” means any board, division, or  
31 examining committee in the Department of Consumer Affairs that  
32 licenses or certifies health professionals.

33 (2) “Sensitive services” has the same meaning as in Section  
34 56.05 of the Civil Code.

35 SEC. 3. Section 1220.1 is added to the Health and Safety Code,  
36 to read:

37 1220.1. (a) An application for licensure made pursuant to this  
38 chapter shall not be denied, nor shall any license issued pursuant  
39 to this chapter be suspended, revoked, or otherwise limited, on the  
40 basis of a civil judgment, criminal conviction, or disciplinary action

1 imposed by another state if that judgment, conviction, or  
2 disciplinary action is based solely on the application of another  
3 state’s law that interferes with a person’s right to receive sensitive  
4 services that would be lawful if provided in this state.

5 (b) This section does not apply to a civil judgment, criminal  
6 conviction, or disciplinary action imposed by another state for  
7 which a similar claim, charge, or action would exist against the  
8 applicant or licensee under the laws of this state.

9 (c) For purposes of this section, “sensitive services” has the  
10 same meaning as in Section 56.05 of the Civil Code.

11 SEC. 4. Section 1265.11 is added to the Health and Safety  
12 Code, to read:

13 1265.11. (a) An application for licensure made pursuant to  
14 this chapter shall not be denied, nor shall any license issued  
15 pursuant to this chapter be suspended, revoked, or otherwise  
16 limited, on the basis of a civil judgment, criminal conviction, or  
17 disciplinary action imposed by another state if that judgment,  
18 conviction, or disciplinary action is based solely on the application  
19 of another state’s law that interferes with a person’s right to receive  
20 sensitive services that would be lawful if provided in this state.

21 (b) This section does not apply to a civil judgment, criminal  
22 conviction, or disciplinary action imposed by another state for  
23 which a similar claim, charge, or action would exist against the  
24 applicant or licensee under the laws of this state.

25 (c) For purposes of this section, “sensitive services” has the  
26 same meaning as in Section 56.05 of the Civil Code.

27 SEC. 5. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.

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AMENDED IN ASSEMBLY JUNE 28, 2023

AMENDED IN ASSEMBLY JUNE 12, 2023

AMENDED IN SENATE APRIL 20, 2023

AMENDED IN SENATE MARCH 20, 2023

**SENATE BILL**

**No. 372**

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**Introduced by Senator Menjivar**

**(Coauthors: Senators Cortese and Wiener)**

(Coauthors: Assembly Members Haney, Lee, Pellerin, and Wallis)

February 9, 2023

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An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines "board" for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board to update a licensee's or registrant's license by replacing references to the former name or gender on the license or registration, as specified, if the board receives documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. If the

board operates an online license verification system, the bill would require the board to replace references to the licensee's or registrant's former name or with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet. The bill would prohibit a board from publishing information relating to the licensee's or registrant's former name or gender online. *Instead, the bill would require the board to post an online statement directing the public to contact the board for more information.* For specified licensees or registrants, the board would be prohibited from posting enforcement records online, but would be required to ~~direct~~ *post an online statement stating that the individual was previously subject to an enforcement action and directing the public to contact the board, as prescribed.* *The bill would provide that all records related to a request to update an individual's license or registration under these provisions are confidential and not subject to public inspection or disclosure.* The bill would require the board, if requested by a licensee or registrant, to reissue any license created by the board and conferred upon the licensee or registrant. The bill would prohibit a board from charging a higher fee for reissuing a license with an updated legal name or gender than the fee it charges for reissuing a license with other updated information.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 27.5 is added to the Business and
- 2 Professions Code, to read:
- 3 27.5. (a) (1) Notwithstanding any other law, if a board receives
- 4 government-issued documentation, as described in subdivision
- 5 (b), from a licensee or registrant demonstrating that the licensee's
- 6 or registrant's legal name or gender has been changed, the board,
- 7 upon request by the licensee or registrant, shall update the
- 8 individual's license or registration by replacing references to the

1 former name or gender on the license or registration, as applicable,  
2 with references to the current name or gender.

3 (2) (A) If the board operates an online license verification  
4 system, upon request by a licensee or registrant whose name or  
5 gender was updated pursuant to paragraph (1), the board shall  
6 replace references to the licensee's or registrant's former name or  
7 gender with the individual's current name or gender, as applicable,  
8 on the publicly viewable information displayed on the internet  
9 about the licensee or registrant. The licensee's or registrant's  
10 former name or gender, as applicable, shall not be published online.

11 (B) Notwithstanding any other law, for licensees or registrants  
12 subject to subparagraph (A) who were previously subject to an  
13 enforcement ~~action~~, *action referencing the individual's former*  
14 *name or gender, as applicable*, the board shall not post enforcement  
15 records online, but shall instead post online a statement *stating*  
16 *that the individual previously was subject to enforcement action*  
17 *and directing the public to contact the board for more information*  
18 *about the licensee's or registrant's prior enforcement action.* The  
19 board shall ensure compliance with the California Public Records  
20 Act (Division 10 (commencing with Section 7920.000) of Title 1  
21 of the Government Code) in implementing this section, including,  
22 but not limited to, responding to ~~the~~ *a request for records* within  
23 10 days from receipt of the request, as specified in Section  
24 ~~7522.535~~ 7922.535 of the Government Code.

25 (C) *If a public search of the online license verification system*  
26 *is performed using a licensee's or registrant's former name that*  
27 *was replaced pursuant to subparagraph (A), the board shall post*  
28 *an online statement directing the public to contact the board for*  
29 *more information about the licensee or registrant.*

30 (3) If requested by the licensee or registrant, the board shall  
31 reissue *the* license created by the board and conferred upon the  
32 licensee or registrant by the board. A board shall not charge a  
33 higher fee for reissuing a document with an updated legal name  
34 or gender than the fee it regularly charges for reissuing a document  
35 with other updated information.

36 (b) (1) The documentation identified in either of the following  
37 is required to demonstrate a legal name change of a licensee or  
38 registrant:

39 (A) A certified court order issued pursuant to a proceeding  
40 authorized by subdivision (b) of Section 1277 of the Code of Civil

1 Procedure and a copy of the certificate issued under the Secretary  
2 of State's Safe at Home program authorized by Chapter 3.1  
3 (commencing with Section 6205) of Division 7 of Title 1 of the  
4 Government Code reflecting the licensee's or registrant's updated  
5 name.

6 (B) A certified court order issued pursuant to a proceeding  
7 authorized by Section 1277.5 of the Code of Civil Procedure or  
8 Article 7 (commencing with Section 103425) of Chapter 11 of  
9 Part 1 of Division 102 of the Health and Safety Code reflecting  
10 the licensee's or registrant's updated name.

11 (2) Any of the following documents is sufficient to demonstrate  
12 a gender change of a licensee or registrant:

13 (A) State-issued driver's license or identification card.

14 (B) Birth certificate.

15 (C) Passport.

16 (D) Social security card.

17 (E) Court order indicating a gender ~~change~~: *change from a court*  
18 *of this state, another state, the District of Columbia, any territory*  
19 *of the United States, or any foreign court.*

20 (c) *Notwithstanding any other law, all records related to a*  
21 *request by a licensee or registrant for a board to update the*  
22 *individual's license or registration pursuant to this section,*  
23 *including, but not limited to, all documentation described in*  
24 *subdivision (b), are confidential and not subject to public*  
25 *inspection or disclosure.*

26 SEC. 2. The Legislature finds and declares that Section 1 of  
27 this act, which adds Section 27.5 to the Business and Professions  
28 Code, imposes a limitation on the public's right of access to the  
29 meetings of public bodies or the writings of public officials and  
30 agencies within the meaning of Section 3 of Article I of the  
31 California Constitution. Pursuant to that constitutional provision,  
32 the Legislature makes the following findings to demonstrate the  
33 interest protected by this limitation and the need for protecting  
34 that interest:

35 In order to protect the privacy rights and safety of individuals,  
36 it is necessary that this act limit the public's right of access to that  
37 information.

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AMENDED IN ASSEMBLY JULY 3, 2023

AMENDED IN SENATE MARCH 29, 2023

AMENDED IN SENATE MARCH 20, 2023

**SENATE BILL**

**No. 447**

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**Introduced by Senator Atkins**

February 13, 2023

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An act to amend Section 12096.3 of, to add Article 16 (commencing with Section 12100.170) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of, and to repeal Section 11139.8 of, the Government Code, and to amend Section 4646 of the Welfare and Institutions Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

SB 447, as amended, Atkins. GO-Biz.

(1) Existing law establishes the Governor's Office of Business and Economic Development (GO-Biz) to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. In this regard, existing law authorizes GO-Biz to make recommendations to the Governor and the Legislature on new state policies and to provide data, information, and assistance, as specified.

This bill would further authorize GO-Biz to establish the Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project (BRIDGE Project) to promote social equity, civil rights, and antidiscrimination through marketing and advertising campaigns. The bill would establish the BRIDGE Project Fund and would make the money available to the office upon appropriation by the Legislature for

the purpose of implementing the project, and would require the office to establish a process to receive donations into the fund. The bill would authorize the office to contract with a private, nonprofit agency, as specified, and to use the services of volunteer advertising agencies and donated media to conduct marketing activities. *The bill would require the office to convene an advisory committee of no more than 10 members, as defined, to advise the office on BRIDGE Project media campaigns, as specified.*

The bill would provide that any media campaign funded pursuant to this project may, among other things, be on a national scale and, to the extent possible, may target audiences in a state or states, or a media market that includes a state or states that have enacted a law that voids or repeals, or has the effect of voiding or repealing, an existing state or local protection against discrimination on the basis of sexual orientation, gender identity, or gender expression, or have enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. *The bill would also add a provision specifying that nothing in the provisions regarding GO-Biz shall be interpreted to require a state employee or officer to travel to a state or states that have enacted a law that would discriminate on the basis of sex, sexual orientation, gender identity, or gender expression, or that has the effect of prohibiting conduct or activities otherwise protected under the laws of this state.*

(2) Existing law prohibits a state agency and the Legislature from requiring any of its employees, officers, or members to travel to, or from approving a request for state-funded or state-sponsored travel to, any state that has enacted a law that voids or repeals, or that has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or that has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, as specified.

This bill would repeal those provisions prohibiting a state agency and the Legislature from requiring travel to specified states and would make a conforming change.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11139.8 of the Government Code is  
2 repealed.
- 3 SEC. 2. Section 12096.3 of the Government Code is amended  
4 to read:
- 5 12096.3. The office shall serve the Governor as the lead entity  
6 for economic strategy and the marketing of California on issues  
7 relating to business development, private sector investment, and  
8 economic growth. In this capacity, the office may:
- 9 (a) Recommend to the Governor and the Legislature new state  
10 policies, programs, and actions, or amendments to existing  
11 programs, advance statewide economic goals and respond to  
12 emerging economic problems and opportunities, and ensure that  
13 all state policies and programs conform to the adopted state  
14 economic and business development goals.
- 15 (b) Coordinate the development of policies and criteria to ensure  
16 that federal grants administered or directly expended by state  
17 government advance statewide economic goals and objectives.
- 18 (c) Market the business and investment opportunities available  
19 in California by working in partnership with local, regional, federal,  
20 and other state public and private institutions to encourage business  
21 development and investment in the state.
- 22 (d) Provide, including, but not limited to, all of the following:
- 23 (1) Economic and demographic data.
- 24 (2) Financial information to help link businesses with state and  
25 local public and private programs.
- 26 (3) Workforce information, including, but not limited to, labor  
27 availability, training, and education programs.
- 28 (4) Transportation and infrastructure information.
- 29 (5) Assistance in obtaining state and local permits.
- 30 (6) Information on tax credits and other incentives.
- 31 (7) Permitting, siting, and other regulatory information pertinent  
32 to business operations in the state.
- 33 (e) Establish a well-advertised telephone number, an interactive  
34 internet website, and an administrative structure that effectively

1 supports the facilitation of business development and investment  
2 in the state.

3 (f) Encourage collaboration among research institutions, startup  
4 companies, local governments, venture capitalists, and economic  
5 development agencies to promote innovation.

6 (g) In cooperation with the federal government, foster  
7 relationships with overseas entities to improve the state’s image  
8 as a destination for business investment and expansion.

9 (h) Conduct research on the state’s business climate, including,  
10 but not limited to, research on how the state can remain on the  
11 leading edge of innovation and emerging sectors.

12 (i) Support small businesses by providing information about  
13 accessing capital, complying with regulations, and supporting state  
14 initiatives that support small business.

15 (j) Establish the Building and Reinforcing Inclusive, Diverse,  
16 Gender-Supportive Equity Project (BRIDGE Project) to promote  
17 social equity, civil rights, and—~~anti-discrimination~~  
18 *antidiscrimination* through marketing and advertising campaigns.

19 SEC. 3. Article 16 (commencing with Section 12100.170) is  
20 added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the  
21 Government Code, to read:

22

23 Article 16. Building and Reinforcing Inclusive, Diverse,  
24 Gender-Supportive Equity Project  
25

26 12100.170. This chapter shall be known, and may be cited, as  
27 the Building and Reinforcing Inclusive, Diverse,  
28 Gender-Supportive Equity Project (BRIDGE Project).

29 12100.171. (a) There is hereby established, within the office,  
30 the BRIDGE Project.

31 (b) The purpose of the BRIDGE Project is to raise public  
32 awareness and promote civil rights and antidiscrimination through  
33 education, advertising, and marketing activities.

34 (c) There is hereby created the BRIDGE Project Fund within  
35 the office. Moneys in the account shall be available, upon  
36 appropriation by the Legislature, for the purposes of this article.  
37 The office shall establish a process to receive donations into the  
38 fund.

39 (d) The office may contract with a private, nonprofit agency  
40 that is the leading producer of public service advertisements and

1 is able to use the services of volunteer advertising agencies and  
2 donated media to conduct the marketing activities required by this  
3 article.

4 (e) Any media campaign funded pursuant to this article is subject  
5 to all of the following requirements:

6 (1) A media campaign funded pursuant to this article shall not  
7 promote a political purpose or feature in any manner the image or  
8 voice of any elected public official or candidate for elected office,  
9 or directly represent the views of any elected public official or  
10 candidate for elected office.

11 (2) Media campaigns may be on a national scale and, to the  
12 extent possible, may target audiences in a state or states, or a media  
13 market that includes a state or states that have enacted a law that  
14 voids or repeals, or has the effect of voiding or repealing, an  
15 existing state or local protection against discrimination on the basis  
16 of sexual orientation, gender identity, or gender expression, or  
17 have enacted a law that authorizes or requires discrimination  
18 against same-sex couples or their families or on the basis of sexual  
19 orientation, gender identity, or gender expression, including any  
20 law that creates an exemption to antidiscrimination laws in order  
21 to permit discrimination against same-sex couples or their families  
22 or on the basis of sexual orientation, gender identity, or gender  
23 expression.

24 (3) Media campaigns funded pursuant to this article shall be  
25 designed to educate the public and promote antidiscrimination,  
26 issues LGBTQ+ communities face, civil rights, acceptance and  
27 inclusion of all people regardless of race, religion, gender, sexual  
28 orientation, age, and ability.

29 (f) *The office shall convene an advisory committee of no more  
30 than 10 members to advise the office on BRIDGE Project media  
31 campaigns, including, but not limited to, the content of media  
32 campaigns, emerging issues relevant to the purpose of the BRIDGE  
33 Project, evaluation of current and potential campaigns, and  
34 strategic outreach to communities affected by the campaign. The  
35 advisory committee members shall include LGBTQ+ advocates,  
36 marketing and public relations professionals, and research  
37 institutions as necessary to develop and evaluate media campaigns  
38 funded pursuant to this article. The advisory committee members  
39 shall be determined by the director.*

1     (g) *Nothing in this chapter shall be interpreted to require a state*  
2 *employee or officer to travel to a state or states that have enacted*  
3 *a law that would discriminate on the basis of sex, sexual*  
4 *orientation, gender identity, or gender expression, or that has the*  
5 *effect of prohibiting conduct or activities otherwise protected under*  
6 *the laws of this state.*

7     SEC. 4. Section 4646 of the Welfare and Institutions Code is  
8 amended to read:

9     4646. (a) It is the intent of the Legislature to ensure that the  
10 individual program plan and provision of services and supports  
11 by the regional center system is centered on the individual and the  
12 family of the individual with developmental disabilities and takes  
13 into account the needs and preferences of the individual and the  
14 family, if appropriate, as well as promoting community integration,  
15 independent, productive, and normal lives, and stable and healthy  
16 environments. It is the further intent of the Legislature to ensure  
17 that the provision of services to consumers and their families be  
18 effective in meeting the goals stated in the individual program  
19 plan, reflect the preferences and choices of the consumer, and  
20 reflect the cost-effective use of public resources.

21     (b) The individual program plan is developed through a process  
22 of individualized needs determination. The individual with  
23 developmental disabilities and, if appropriate, the individual's  
24 parents, legal guardian or conservator, or authorized representative,  
25 shall have the opportunity to actively participate in the development  
26 of the plan.

27     (c) An individual program plan shall be developed for any  
28 person who, following intake and assessment, is found to be  
29 eligible for regional center services. These plans shall be completed  
30 within 60 days of the completion of the assessment. At the time  
31 of intake, the regional center shall inform the consumer and, if  
32 appropriate, the consumer's parents, legal guardian or conservator,  
33 or authorized representative, of the services available through the  
34 state council and the protection and advocacy agency designated  
35 by the Governor pursuant to federal law, and shall provide the  
36 address and telephone numbers of those agencies.

37     (d) Individual program plans shall be prepared jointly by the  
38 planning team. Decisions concerning the consumer's goals,  
39 objectives, and services and supports that will be included in the  
40 consumer's individual program plan and purchased by the regional

1 center or obtained from generic agencies shall be made by  
2 agreement between the regional center representative and the  
3 consumer or, if appropriate, the parents, legal guardian,  
4 conservator, or authorized representative at the program plan  
5 meeting.

6 (e) Regional centers shall comply with the request of a consumer  
7 or, if appropriate, the request of the consumer’s parents, legal  
8 guardian, conservator, or authorized representative, that a  
9 designated representative receive written notice of all meetings to  
10 develop or revise the individual program plan and of all notices  
11 sent to the consumer pursuant to Section 4710. The designated  
12 representative may be a parent or family member.

13 (f) Notwithstanding any other law, until June 30, 2023, a  
14 meeting regarding the provision of services and supports by the  
15 regional center, including a meeting to develop or revise the  
16 individual program plan, shall be held by remote electronic  
17 communications if requested by the consumer or, if appropriate,  
18 if requested by the consumer’s parents, legal guardian, conservator,  
19 or authorized representative.

20 (g) At the conclusion of an individual program plan meeting,  
21 an authorized representative of the regional center shall provide  
22 to the consumer, in written or electronic format, a list of the  
23 agreed-upon services and supports, and, if known, the projected  
24 start date, the frequency and duration of the services and supports,  
25 and the provider. The authorized representative of the regional  
26 center shall sign the list of agreed-upon services and supports at  
27 that time. The consumer, or if appropriate, the consumer’s parent,  
28 legal guardian, conservator, or authorized representative shall sign  
29 the list of agreed-upon services and supports prior to its  
30 implementation. The consumer, or if appropriate, the consumer’s  
31 parent, legal guardian, conservator, or authorized representative,  
32 may elect to delay receipt of the list of agreed-upon services and  
33 supports pending final agreement, as described in subdivision (h).  
34 If the consumer, or if appropriate, the consumer’s parent, legal  
35 guardian, conservator, or authorized representative, elects to delay  
36 the receipt of the list of agreed-upon services and supports for 15  
37 days, the list shall be provided in the preferred language of the  
38 consumer, or of the consumer’s parent, legal guardian, or  
39 authorized representative.

1 (h) If a final agreement regarding the services and supports to  
2 be provided to the consumer cannot be reached at a program plan  
3 meeting, then a subsequent program plan meeting shall be  
4 convened within 15 days, or later at the request of the consumer  
5 or, if appropriate, the parents, legal guardian, conservator, or  
6 authorized representative or if agreed to by the planning team. The  
7 list of the agreed-upon services and supports described in  
8 subdivision (g) and signed by the authorized representative of the  
9 regional center shall be provided, in writing or electronically, at  
10 the conclusion of the subsequent program plan meeting, and shall  
11 be provided in the preferred language of the consumer, or of the  
12 consumer's parent, legal guardian, conservator, or authorized  
13 representative. Additional program plan meetings may be held  
14 with the agreement of the regional center representative and the  
15 consumer or, if appropriate, the parents, legal guardian,  
16 conservator, or authorized representative.

17 (i) An authorized representative of the regional center and the  
18 consumer or, if appropriate, the consumer's parent, legal guardian,  
19 conservator, or authorized representative shall sign the individual  
20 program plan and the list of the agreed-upon services and supports  
21 prior to its implementation. If the consumer or, if appropriate, the  
22 consumer's parent, legal guardian, conservator, or authorized  
23 representative, does not agree with all components of the individual  
24 program plan, the consumer may indicate that disagreement on  
25 the plan. Disagreement with specific plan components shall not  
26 prohibit the implementation of services and supports agreed to by  
27 the consumer or, if appropriate, the consumer's parent, legal  
28 guardian, conservator, or authorized representative. If the consumer  
29 or, if appropriate, the consumer's parent, legal guardian,  
30 conservator, or authorized representative, does not agree with the  
31 plan in whole or in part, the consumer shall be sent written notice  
32 of their appeal rights, as required by Sections 4701 and 4710.

33 (j) (1) A regional center shall communicate in the consumer's  
34 preferred language, or, if appropriate, the preferred language of  
35 the consumer's family, legal guardian, conservator, or authorized  
36 representative, during the planning process for the individual  
37 program plan, including during the program plan meeting, and  
38 including providing alternative communication services, as required  
39 by Sections 11135 to 11139, inclusive, of the Government Code  
40 and implementing regulations.



1 (2) A regional center shall provide alternative communication  
2 services, including providing copies of the list of services and  
3 supports, and the individual program plan in the preferred language  
4 of the consumer or the consumer's family, legal guardian,  
5 conservator, or authorized representative, or both, as required by  
6 Sections 11135 to 11139, inclusive, of the Government Code and  
7 implementing regulations.

8 (3) The preferred language of the consumer or the consumer's  
9 family, legal guardian, conservator, or authorized representative,  
10 or both, shall be documented in the individual program plan.

O

AMENDED IN SENATE APRIL 27, 2023  
AMENDED IN SENATE MARCH 20, 2023

**SENATE BILL**

**No. 544**

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**Introduced by Senator Laird**

February 15, 2023

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An act to amend Section 11123 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Laird. Bagley-Keene Open Meeting Act: teleconferencing.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.

This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements

that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.

*This bill would provide that it does not affect prescribed existing notice and agenda requirements and would require the state body to post an agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The bill would prohibit the notice and agenda from disclosing information regarding any remote location from which a member is participating and define “remote location” for this purpose. The bill would provide that members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.*

*This bill would require a state body, upon discovering that a means of remote participation required by the bill has failed during a meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.*

This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure

for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

*This bill would require a member of a state body who attends a meeting by teleconference from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11123 of the Government Code is  
2 amended to read:  
3 11123. (a) All meetings of a state body shall be open and  
4 public and all persons shall be permitted to attend any meeting of  
5 a state body except as otherwise provided in this article.  
6 (b) (1) This article does not prohibit a state body from holding  
7 an open or closed meeting by teleconference for the benefit of the  
8 public and state body. The meeting or proceeding held by  
9 teleconference shall otherwise comply with all applicable  
10 requirements or laws relating to a specific type of meeting or  
11 proceeding, including the following:  
12 (A) The teleconferencing meeting shall comply with all  
13 requirements of this article applicable to other meetings.  
14 (B) The portion of the teleconferenced meeting that is required  
15 to be open to the public shall be audible to the public at the location  
16 specified in the notice of the meeting.  
17 (C) If the state body elects to conduct a meeting or proceeding  
18 by teleconference, it shall conduct teleconference meetings in a  
19 manner that protects the rights of any party or member of the public  
20 appearing before the state body. The state body shall provide a  
21 means by which the public may remotely hear audio of the meeting,

1 remotely observe the meeting, or attend the meeting by providing  
2 on the posted agenda a teleconference telephone number, an  
3 internet website or other online platform, and a physical address  
4 for at least one site, including, if available, access equivalent to  
5 the access for a member of the state body participating remotely.  
6 The applicable teleconference telephone number, internet website  
7 or other online platform, and physical address indicating how the  
8 public can access the meeting remotely and in person shall be  
9 specified in any notice required by this article.

10 (D) The agenda shall provide an opportunity for members of  
11 the public to address the state body directly pursuant to Section  
12 11125.7.

13 (E) All votes taken during a teleconferenced meeting shall be  
14 by rollcall.

15 (F) The portion of the teleconferenced meeting that is closed to  
16 the public may not include the consideration of any agenda item  
17 being heard pursuant to Section 11125.5.

18 (G) At least one member or staff of the state body shall be  
19 physically present at the location specified in the notice of the  
20 meeting.

21 (H) *This section does not affect the requirement prescribed by*  
22 *this article that the state body post an agenda of a meeting in*  
23 *accordance with the applicable notice requirements of this article,*  
24 *including Section 11125, requiring the state body to post an agenda*  
25 *of a meeting at least 10 days in advance of the meeting, Section*  
26 *11125.4, applicable to special meetings, and Sections 11125.5 and*  
27 *11125.6, applicable to emergency meetings. The state body shall*  
28 *post the agenda on its internet website and, on the day of the*  
29 *meeting, at any physical meeting location designated in the notice*  
30 *of the meeting. The notice and agenda shall not disclose*  
31 *information regarding any remote location from which a member*  
32 *is participating.*

33 (I) *Members of the public shall be entitled to exercise their right*  
34 *to directly address the state body during the teleconferenced*  
35 *meeting without being required to submit public comments prior*  
36 *to the meeting or in writing.*

37 (J) *Upon discovering that a means of remote participation*  
38 *required by this section has failed during a meeting and cannot*  
39 *be restored, the state body shall end or adjourn the meeting in*  
40 *accordance with Section 11128.5. In addition to any other*

1 *requirements that may apply, the state body shall provide notice*  
2 *of the meeting's end or adjournment on the state body's internet*  
3 *website and by email to any person who has requested notice of*  
4 *meetings of the state body by email under this article. If the meeting*  
5 *will be adjourned and reconvened on the same day, further notice*  
6 *shall be provided by an automated message on a telephone line*  
7 *posted on the state body's agenda, internet website, or by a similar*  
8 *means, that will communicate when the state body intends to*  
9 *reconvene the meeting and how a member of the public may hear*  
10 *audio of the meeting or observe the meeting.*

11 (2) For the purposes of this subdivision, “teleconference” both  
12 of the following definitions shall apply:

13 (A) “Teleconference” means a meeting of a state body, the  
14 members of which are at different locations, connected by  
15 electronic means, through either audio or both audio and video.  
16 This section does not prohibit a state body from providing members  
17 of the public with additional locations in which the public may  
18 observe or address the state body by electronic means, through  
19 either audio or both audio and video.

20 (B) “Remote location” means a location from which a member  
21 of a state body participates in a meeting other than any physical  
22 meeting location designated in the notice of the meeting. Remote  
23 locations need not be accessible to the public.

24 (c) If a state body holds a meeting through teleconferencing  
25 pursuant to this section and allows members of the public to  
26 observe and address the meeting telephonically or otherwise  
27 electronically, the state body shall also do both of the following:

28 (1) Implement a procedure for receiving and swiftly resolving  
29 requests for reasonable modification or accommodation from  
30 individuals with disabilities, consistent with the federal Americans  
31 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and  
32 resolving any doubt whatsoever in favor of accessibility.

33 (2) Advertise that procedure each time notice is given of the  
34 means by which members of the public may observe the meeting  
35 and offer public comment.

36 (d) The state body shall publicly report any action taken and  
37 the vote or abstention on that action of each member present for  
38 the action.

39 (e) *If a member of a state body attends a meeting by*  
40 *teleconference from a remote location, the member shall disclose*

1 *whether any other individuals 18 years of age or older are present*  
2 *in the room at the remote location with the member, and the*  
3 *general nature of the member’s relationship with any such*  
4 *individuals.*

5 (e)

6 (f) For purposes of this section, “participate remotely” means  
7 participation in a meeting at a location other than the physical  
8 location designated in the agenda of the meeting.

9 SEC. 2. The Legislature finds and declares that Section 1 of  
10 this act, which amends Section 11123 of the Government Code,  
11 imposes a limitation on the public’s right of access to the meetings  
12 of public bodies or the writings of public officials and agencies  
13 within the meaning of Section 3 of Article I of the California  
14 Constitution. Pursuant to that constitutional provision, the  
15 Legislature makes the following findings to demonstrate the interest  
16 protected by this limitation and the need for protecting that interest:

17 (a) By removing the requirement for agendas to be placed at  
18 the location of each public official participating in a public meeting  
19 remotely, including from the member’s private home or hotel  
20 room, this act protects the personal, private information of public  
21 officials and their families while preserving the public’s right to  
22 access information concerning the conduct of the people’s business.

23 (b) During the COVID-19 public health emergency, audio and  
24 video teleconference were widely used to conduct public meetings  
25 in lieu of physical location meetings, and those public meetings  
26 have been productive, increased public participation by all  
27 members of the public regardless of their location and ability to  
28 travel to physical meeting locations, increased the pool of people  
29 who are able to serve on these bodies, protected the health and  
30 safety of civil servants and the public, and have reduced travel  
31 costs incurred by members of state bodies and reduced work hours  
32 spent traveling to and from meetings.

33 (c) Conducting audio and video teleconference meetings  
34 enhances public participation and the public’s right of access to  
35 meetings of the public bodies by improving access for individuals  
36 that often face barriers to physical attendance.

**Introduced by Senator Roth**

February 17, 2023

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An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 802, as introduced, Roth. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. Existing law requires a board to notify the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history.

If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, this bill would require a board to notify the applicant in writing within 30 days after a decision is made, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 480 of the Business and Professions Code
- 2 is amended to read:



1 480. (a) Notwithstanding any other provision of this code, a  
2 board may deny a license regulated by this code on the grounds  
3 that the applicant has been convicted of a crime or has been subject  
4 to formal discipline only if either of the following conditions are  
5 met:

6 (1) The applicant has been convicted of a crime within the  
7 preceding seven years from the date of application that is  
8 substantially related to the qualifications, functions, or duties of  
9 the business or profession for which the application is made,  
10 regardless of whether the applicant was incarcerated for that crime,  
11 or the applicant has been convicted of a crime that is substantially  
12 related to the qualifications, functions, or duties of the business or  
13 profession for which the application is made and for which the  
14 applicant is presently incarcerated or for which the applicant was  
15 released from incarceration within the preceding seven years from  
16 the date of application. However, the preceding seven-year  
17 limitation shall not apply in either of the following situations:

18 (A) The applicant was convicted of a serious felony, as defined  
19 in Section 1192.7 of the Penal Code or a crime for which  
20 registration is required pursuant to paragraph (2) or (3) of  
21 subdivision (d) of Section 290 of the Penal Code.

22 (B) The applicant was convicted of a financial crime currently  
23 classified as a felony that is directly and adversely related to the  
24 fiduciary qualifications, functions, or duties of the business or  
25 profession for which the application is made, pursuant to  
26 regulations adopted by the board, and for which the applicant is  
27 seeking licensure under any of the following:

28 (i) Chapter 6 (commencing with Section 6500) of Division 3.

29 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

30 (iii) Chapter 11.3 (commencing with Section 7512) of Division  
31 3.

32 (iv) Licensure as a funeral director or cemetery manager under  
33 Chapter 12 (commencing with Section 7600) of Division 3.

34 (v) Division 4 (commencing with Section 10000).

35 (2) The applicant has been subjected to formal discipline by a  
36 licensing board in or outside California within the preceding seven  
37 years from the date of application based on professional misconduct  
38 that would have been cause for discipline before the board for  
39 which the present application is made and that is substantially  
40 related to the qualifications, functions, or duties of the business or

1 profession for which the present application is made. However,  
2 prior disciplinary action by a licensing board within the preceding  
3 seven years shall not be the basis for denial of a license if the basis  
4 for that disciplinary action was a conviction that has been dismissed  
5 pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425  
6 of the Penal Code or a comparable dismissal or expungement.  
7 Formal discipline that occurred earlier than seven years preceding  
8 the date of application may be grounds for denial of a license only  
9 if the formal discipline was for conduct that, if committed in this  
10 state by a physician and surgeon licensed pursuant to Chapter 5  
11 (commencing with Section 2000) of Division 2, would have  
12 constituted an act of sexual abuse, misconduct, or relations with  
13 a patient pursuant to Section 726 or sexual exploitation as defined  
14 in subdivision (a) of Section 729.

15 (b) Notwithstanding any other provision of this code, a person  
16 shall not be denied a license on the basis that the person has been  
17 convicted of a crime, or on the basis of acts underlying a conviction  
18 for a crime, if that person has obtained a certificate of rehabilitation  
19 under Chapter 3.5 (commencing with Section 4852.01) of Title 6  
20 of Part 3 of the Penal Code, has been granted clemency or a pardon  
21 by a state or federal executive, or has made a showing of  
22 rehabilitation pursuant to Section 482.

23 (c) Notwithstanding any other provision of this code, a person  
24 shall not be denied a license on the basis of any conviction, or on  
25 the basis of the acts underlying the conviction, that has been  
26 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42,  
27 or 1203.425 of the Penal Code, or a comparable dismissal or  
28 expungement. An applicant who has a conviction that has been  
29 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42  
30 of the Penal Code shall provide proof of the dismissal if it is not  
31 reflected on the report furnished by the Department of Justice.

32 (d) Notwithstanding any other provision of this code, a board  
33 shall not deny a license on the basis of an arrest that resulted in a  
34 disposition other than a conviction, including an arrest that resulted  
35 in an infraction, citation, or a juvenile adjudication.

36 (e) A board may deny a license regulated by this code on the  
37 ground that the applicant knowingly made a false statement of fact  
38 that is required to be revealed in the application for the license. A  
39 board shall not deny a license based solely on an applicant's failure

1 to disclose a fact that would not have been cause for denial of the  
2 license had it been disclosed.

3 (f) A board shall follow the following procedures in requesting  
4 or acting on an applicant's criminal history information:

5 (1) A board issuing a license pursuant to Chapter 3 (commencing  
6 with Section 5500), Chapter 3.5 (commencing with Section 5615),  
7 Chapter 10 (commencing with Section 7301), Chapter 20  
8 (commencing with Section 9800), or Chapter 20.3 (commencing  
9 with Section 9880), of Division 3, or Chapter 3 (commencing with  
10 Section 19000) or Chapter 3.1 (commencing with Section 19225)  
11 of Division 8 may require applicants for licensure under those  
12 chapters to disclose criminal conviction history on an application  
13 for licensure.

14 (2) Except as provided in paragraph (1), a board shall not require  
15 an applicant for licensure to disclose any information or  
16 documentation regarding the applicant's criminal history. However,  
17 a board may request mitigating information from an applicant  
18 regarding the applicant's criminal history for purposes of  
19 determining substantial relation or demonstrating evidence of  
20 rehabilitation, provided that the applicant is informed that  
21 disclosure is voluntary and that the applicant's decision not to  
22 disclose any information shall not be a factor in a board's decision  
23 to grant or deny an application for licensure.

24 (3) If a board decides to deny an application for licensure based  
25 solely or in part on the applicant's conviction history, the board  
26 shall notify the applicant in ~~writing~~ *writing, within 30 days after*  
27 *a decision is made*, of all of the following:

28 (A) The denial or disqualification of licensure.

29 (B) Any existing procedure the board has for the applicant to  
30 challenge the decision or to request reconsideration.

31 (C) That the applicant has the right to appeal the board's  
32 decision.

33 (D) The processes for the applicant to request a copy of the  
34 applicant's complete conviction history and question the accuracy  
35 or completeness of the record pursuant to Sections 11122 to 11127  
36 of the Penal Code.

37 (g) (1) For a minimum of three years, each board under this  
38 code shall retain application forms and other documents submitted  
39 by an applicant, any notice provided to an applicant, all other

1 communications received from and provided to an applicant, and  
2 criminal history reports of an applicant.

3 (2) Each board under this code shall retain the number of  
4 applications received for each license and the number of  
5 applications requiring inquiries regarding criminal history. In  
6 addition, each licensing authority shall retain all of the following  
7 information:

8 (A) The number of applicants with a criminal record who  
9 received notice of denial or disqualification of licensure.

10 (B) The number of applicants with a criminal record who  
11 provided evidence of mitigation or rehabilitation.

12 (C) The number of applicants with a criminal record who  
13 appealed any denial or disqualification of licensure.

14 (D) The final disposition and demographic information,  
15 consisting of voluntarily provided information on race or gender,  
16 of any applicant described in subparagraph (A), (B), or (C).

17 (3) (A) Each board under this code shall annually make  
18 available to the public through the board's internet website and  
19 through a report submitted to the appropriate policy committees  
20 of the Legislature deidentified information collected pursuant to  
21 this subdivision. Each board shall ensure confidentiality of the  
22 individual applicants.

23 (B) A report pursuant to subparagraph (A) shall be submitted  
24 in compliance with Section 9795 of the Government Code.

25 (h) "Conviction" as used in this section shall have the same  
26 meaning as defined in Section 7.5.

27 (i) This section does not in any way modify or otherwise affect  
28 the existing authority of the following entities in regard to  
29 licensure:

30 (1) The State Athletic Commission.

31 (2) The Bureau for Private Postsecondary Education.

32 (3) The California Horse Racing Board.



**Agenda Item 13**  
**July 20, 2023**

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**Future Agenda Items**

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**Purpose of the Item**

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

The Board 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 14**  
**July 20, 2023**

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### **Closed Session**

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#### **Purpose of the Item**

The Board will meet in closed session to:

- **Deliberate and Vote on Disciplinary Matters Pursuant to Government Code Section 11126, subd. (c)(3)**



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1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834  
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039 | [www.chiro.ca.gov](http://www.chiro.ca.gov)



**Agenda Item 15**  
**July 20, 2023**

## **Adjournment**

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**Time:** \_\_\_\_\_