



BOARD OF CHIROPRACTIC EXAMINERS ENFORCEMENT COMMITTEE MEETING MINUTES

December 19, 2024

The Enforcement Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events on December 19, 2024, in accordance with the provisions of Government Code section 11123.5. Board staff were present at the primary physical meeting location listed below and all Committee members participated virtually from remote locations.

Primary Physical Meeting Location

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

Committee Members Present

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

Staff Present

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

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

Mr. Sweet called the meeting to order at 12:31 p.m. Dr. Adams called the roll. All members were present, and a quorum was established.

2. Public Comment for Items Not on the Agenda

Public Comment: None.

3. Review and Possible Approval of December 8, 2023 Committee Meeting Minutes

Motion: Dr. Adams moved to approve the minutes of the December 8, 2023 Enforcement Committee meeting.

Second: Dr. Paris seconded the motion.

Public Comment: None.

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

Motion: Carried.

4. Update on Board's Enforcement Program

Ms. Walker updated the Committee on the Federation of Chiropractic Licensing Boards' (FCLB) and National Board of Chiropractic Examiners' (NBCE) annual meeting in St. Louis, Missouri, in May 2025 and FCLB's regional meeting in Omaha, Nebraska, in fall 2025. She shared key 2025 legislative dates and explained that the California State Assembly and Senate adopted new rules limiting each legislator to 35 bills, which may reduce the number of new bills affecting the Board and DCA. She also commented that while the Government and Public Affairs Committee has historically recommended positions on all bills for the Board's consideration, the Board may want to consider a model in which bills affecting licensure or enforcement are instead routed to the Licensing and Enforcement Committees.

She summarized the status of the Board's pending regulatory proposals affecting the Enforcement Program and acknowledged staff's work in enforcement. She reported that the Board currently has 355 pending complaints, which is a reduction of about 10 percent since summer 2024 and 50 fewer cases than at the end of fiscal year 2022–23. She added that the Board has 47 pending disciplinary cases, a reduction of about 15 percent since summer 2024.

Dr. Adams asked for clarification on the travel dates for the FCLB and NBCE annual meeting. Dr. Paris offered to share the proposed meeting agenda.

Mr. Sweet commented on the reduction in pending complaints and asked whether that number is expected to continue decreasing. Ms. Walker shared a goal of reducing it to 250, based on maintaining an active complaint workload of no more than 50 percent of the total complaints received annually, which is generally between 500 and 700. Mr. Sweet asked about the timeline for completing those cases. Ms. Walker stated the average age of pending complaints is about one year and that, in addition to increasing complaint closures, the Enforcement Unit is focused on moving toward the target active investigation timeframe of 120 days. She also shared plans to leverage the Connect system to differentiate between active investigation and inactive case management

activities to better inform the Board's strategies and improve reporting of case-related metrics.

Public Comment: None.

5. Review, Discussion, and Possible Recommendation Regarding Regulatory Proposal to Update the Minimum Supervision and Training Requirements for Chiropractic Assistants Within a Chiropractic Practice (amend California Code of Regulations [CCR], Title 16, section 312)

Ms. Walker introduced this agenda item and noted the draft language now standardizes the term “chiropractic assistant” for individuals assisting licensees with clinical care and outlines supervising licensees’ responsibilities for assistants working under direct and indirect supervision. She outlined the minimum eligibility for a chiropractic assistant to work under indirect supervision through three pathways—examination through FCLB’s chiropractic assistant certification; education through a chiropractic, physical therapy, or physical therapy assistant program; or supervised clinical experience. She added the proposal prohibits assistants from modifying or deviating from the supervising licensee’s treatment plan and requires consultation with the licensee if a patient presents with new symptoms or complaints.

Dr. Paris suggested broader equivalency language for chiropractic assistant certifications so future Board-recognized programs beyond FCLB could qualify. Mr. Sweet concurred. Dr. Paris also noted the language should include a requirement for the supervising licensee to specify the parameters for physiotherapy modalities, such as intensity and duration, to prevent patient injury. Dr. Adams agreed.

Dr. Adams questioned the 2,000-hour clinical experience requirement, noting the burden on a practice. Ms. Walker explained it was aligned with FCLB’s program and equates to about one year of experience, but it could be reduced.

Mr. Sweet asked about the Board’s jurisdiction over unlicensed individuals. Ms. Walker clarified the Board can issue citations to chiropractic assistants who exceed the scope of practice provided in the regulation. She also added that it would be helpful to explicitly state that the supervising licensee will also be held responsible for the assistant’s actions. Mr. Sweet concurred.

The Committee also discussed potentially replacing the term “chiropractic assistant” with “clinical assistant” in the draft language.

Motion: Dr. Adams moved to recommend that the Board consider the regulatory proposal to amend CCR, title 16, section 312 with the amendments from the Committee’s discussion.

Second: Dr. Paris seconded the motion.

Public Comment: None.

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

Motion: Carried.

6. Review, Discussion, and Possible Recommendation Regarding Regulatory Proposal to Update the Record Keeping and Retention Requirements for Chiropractic Patient Records (amend CCR, Title 16, section 318)

Ms. Pitto presented the updates made to the conceptual language to amend the Board's record keeping requirements based on the Board's January 12, 2024, discussion, including removing the gender requirement, replacing "estimated" height and weight with "approximate," adding orthopedic and neurological testing to the initial examination, and removing the requirement to include procedure codes in the records.

Dr. Adams raised concerns about the documentation for wellness visits, emphasizing the need for clear, practical expectations. Dr. Paris noted the draft's follow-up visit elements align with a basic SOAP note and recommended flexible phrasing, such as "pertinent" or "appropriate" orthopedic and neurological testing, to reflect the range of evaluation and management scenarios. He also supported "periodic re-examination as clinically indicated" rather than fixed intervals. Dr. Adams agreed, noting brief, legible follow-up documentation is acceptable with more detailed re-evaluations when clinically appropriate. He also suggested adding explicit recognition of generally accepted documentation frameworks, such as SOAP and PART, to the language.

Motion: Mr. Sweet moved to recommend that the Board consider the regulatory proposal to amend CCR, title 16, section 318 with the amendments from the Committee's discussion.

Second: Dr. Adams seconded the motion.

Public Comment: None.

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

Motion: Carried.

7. Review, Discussion, and Possible Recommendation Regarding Regulatory Proposal to Update the Board's *Disciplinary Guidelines and Model Disciplinary Orders* and Implement the Uniform Standards for Substance Abusing Licensees (amend CCR, Title 16, section 384)

Ms. Walker summarized the Committee's policy work on the proposed updates to the Board's *Disciplinary Guidelines and Model Disciplinary Orders* and implementation of the Uniform Standards for Substance Abusing Licensees. She also explained that a

separate regulatory proposal addressing the filing and evaluation processes for petitions for reinstatement of licensure, early termination of probation, and reduction of penalty overlaps with the *Disciplinary Guidelines* content. She recommended that the Committee combine the two proposals and move them forward together to the Board for consideration.

Motion: Dr. Adams moved to recommend that the Board consider the regulatory proposal to update the Board's *Disciplinary Guidelines and Model Disciplinary Orders*, implement the Uniform Standards for Substance Abusing Licensees, and specify the filing and evaluation processes for petitions for reinstatement of licensure, early termination of probation, and reduction of penalty.

Second: Dr. Paris seconded the motion.

Public Comment: None.

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

Motion: Carried.

8. Future Agenda Items

Ms. Walker suggested the Committee discuss outreach strategies that could help prevent common complaints and violations.

Public Comment: None.

9. Adjournment

Mr. Sweet adjourned the meeting at 1:59 p.m.