

DEPARTMENT OF CONSUMER AFFAIRS

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
DIVISION 4.**

**BOARD OF CHIROPRACTIC EXAMINERS**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
Appeal Process for Citations and Licensee Compliance with  
Assessed Fines**

**NOTICE IS HEREBY GIVEN** that the Board of Chiropractic Examiners (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be **received by the Board at its office no later than by Monday, June 16, 2025**, or must be received by the Board at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by sections 125.9 and 148 of the Business and Professions Code (BPC) and sections 4(b), 4(e), and 10(a) of the Chiropractic Initiative Act of California (Act), Stats. 1923, p. lxxxviii, and to implement, interpret, or make specific BPC section 125.9 and section 10(a) of the Act, the Board is considering amending sections 390.4 and 390.5 of Title 16, Division 4, Article 9 of the California Code of Regulations (CCR).

**INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

Existing law, BPC section 125.9, authorizes the Board to establish, by regulation, a system for the issuance of a citation to a licensee which may contain an order of abatement or an order to pay an administrative fine where the licensee is in violation of the Act or any regulation adopted by the Board. BPC section 148 authorizes the Board to also establish, by regulation, a similar system for the issuance of a citation to an

unlicensed person who is acting in the capacity of a licensee under the Board's jurisdiction.

The Board adopted its citation system effective September 25, 2000, through CCR sections 390 through 390.6. However, this citation system does not contain the following statutorily required provisions:

- If a hearing is not requested, payment of any fine shall not constitute an admission of the violation charged. (BPC § 125.9, subd. (b)(4).)
- Failure of a licensee to pay a fine or comply with an order of abatement, or both, within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine. (BPC § 125.9, subd. (b)(5).)

This regulatory proposal will amend the Board's citation system to include the mandatory provisions listed above and to extend the deadline for requesting an informal conference to contest a citation from 14 days after service of citation to 30 days from the date of issuance on the citation for consistency with the timeframe for requesting a formal administrative hearing.

### **Anticipated Benefits of Proposal**

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by strengthening the Board's ability to enforce consumer protection through helping ensure the Board can effectively address a licensee's failure to pay a citation fine during the license renewal process and, when warranted, take disciplinary action against a licensee for noncompliance with a citation fine or order of abatement. Individuals who have been issued citations by the Board, and their legal counsel or authorized representatives, will also benefit from the same deadline for exercising their right to appeal the citation to an informal conference, a formal hearing, or both.

This regulatory proposal does not affect worker safety or the state's environment.

### **Evaluation of Consistency and Compatibility with Existing State Regulations**

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that this proposal is neither inconsistent nor incompatible with existing state regulations.

## **DISCLOSURES REGARDING THIS PROPOSED ACTION**

### **FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None. The regulations do not result in a fiscal impact to the state.

This proposal updates the Board's citation system for conformance with the mandatory statutory provisions and extends the deadline for appealing a citation to an informal conference. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

The regulations do not result in costs or savings in federal funding to the state.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement:** None.

**Mandate Imposed on Local Agencies or School Districts:** None.

**Significant Effect on Housing Costs:** None.

### **BUSINESS IMPACT ESTIMATES**

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The rulemaking file includes the facts, documents, testimony, and/or other evidence that supports this determination.

#### **Cost Impact on Representative Private Person or Business**

The Board is not aware of any cost impacts that a representative private person or business would necessarily occur in reasonable compliance with the proposed action.

## **RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS**

### **Impact on Jobs/Businesses**

The Board has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state, or
- 3) the expansion of businesses currently doing business within the state.

### **Benefits of Regulation**

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring the Board can effectively address a licensee's failure to pay a citation fine during the license renewal process and, when warranted, take disciplinary action against a licensee for noncompliance with a citation fine or order of abatement. Individuals who have been issued citations by the Board, and their legal counsel or authorized representatives, will also benefit from the same deadline for exercising their right to appeal the citation to an informal conference, a formal hearing, or both.

This regulatory proposal does not affect worker safety or the state's environment as this proposal is not related to any of those issues.

### **Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board.

### **Effect on Small Business**

The Board has determined that the proposed regulations may affect small businesses. Although small businesses owned by licensees of the Board may be impacted, the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit written comments relevant to the above determinations to the Board's office at 1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

### **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

## **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Tammi Pitto
Address:	Board of Chiropractic Examiners 1625 N. Market Blvd., Suite N-327 Sacramento, CA 95834
Telephone No.:	(916) 574-8983
Fax No.:	(916) 327-0039
Email Address:	<a href="mailto:tammi.pitto@dca.ca.gov">tammi.pitto@dca.ca.gov</a>

The backup contact person is:

Name:	Kristin Walker
Address:	Board of Chiropractic Examiners 1625 N. Market Blvd., Suite N-327 Sacramento, CA 95834

Telephone No.: (916) 574-7784  
Fax No.: (916) 327-0039  
Email Address: [kristin.walker@dca.ca.gov](mailto:kristin.walker@dca.ca.gov)

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at [https://www.chiro.ca.gov/laws\\_regs/prop\\_regs.shtml](https://www.chiro.ca.gov/laws_regs/prop_regs.shtml).