

## **Board of Chiropractic Examiners Initial Statement of Reasons**

Hearing Date: No Hearing Scheduled

Subject Matter of Proposed Regulations: Application for License and Continuing Education Requirements

Sections affected: Amend Section 321 in Article 3 and section 364 in Article 6, of Title 16, Division 4 of the California Code of Regulations (CCR).

### Introduction:

The Board of Chiropractic Examiners (Board) currently regulates approximately 13,000 doctors of chiropractic. The Board's highest priority is protection of the public when exercising its licensing, regulatory, and enforcement functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violating provisions of the laws, regulations, and the Chiropractic Initiative Act (Act) that govern the practice of chiropractic; and monitoring licensees who have been placed on probation.

The Act, section 1000-4(b), authorizes the Board to adopt regulations as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

In recent years, several pieces of legislation have been enacted to assist past and present members of the U.S. military and their spouses/domestic partners, who have professional or occupational skills, transition to civilian life and gain employment as well as ease the burden of continuing education requirements for members of the military serving on active duty. The following bills impact Board operations and Chiropractic licensure:

Business and Professions Code (BPC) section 115.4 was enacted through SB 1226 (Correa, Chapter 657, Statutes of 2014) to require boards within DCA to expedite, and assist, the initial licensure process for an applicant who supplies satisfactory evidence to the Board that he or she has served as an active duty member of the U.S. Armed Forces and was honorably discharged.

BPC section 114.5 was enacted through AB 1057 (Medina, Chapter 693, Statutes of 2013) and became effective on January 1, 2015. BPC section 114.5 requires every board within the Department of Consumer Affairs (DCA) to inquire

in all applications for licensure whether the applicant is serving in, or has previously served in the United States military.

Government Code (GC) section 11019.11 was enacted through AB 258 (Chavez, Chapter 227, Statutes of 2013) and requires every state agency to request on any written form or publication printed on or after July 1, 2014, or through its Internet website, whether an applicant has ever served in the U.S. military.

BPC section 114.3 was enacted through AB 1588 (Atkins, Chapter 742, Statutes of 2012) and requires boards under DCA to waive the renewal fees, continuing education requirements, and other renewal requirements for any licensee or registrant called to active duty as a member of the U.S. Armed Forces or the California National Guard.

BPC section 115.5 was enacted through AB 1904 (Block, Chapter 399, Statutes of 2012) and requires boards within DCA to expedite the licensure process for applicants who are married to or in a domestic partnership or other legal union with an active duty member of the U.S. military, stationed in California, and who holds a current license in another state, district or territory of the U.S. in the profession for which they are seeking licensure.

In 2014, two additional pieces of legislation were enacted which require further amendments to the Board's application for licensure:

BPC section 30 was amended through SB 1159 (Lara, Chapter 752, Statutes of 2014) to require licensing bodies under DCA to require applicants for licensure to provide either a social security number or an individual tax identification number on their application for licensure.

BPC section 480 was amended through AB 2396 (Bonta, Chapter 737, Statutes of 2014) to prohibit a licensing board under DCA from denying a license based solely on a conviction that has been dismissed pursuant to sections 1203.4, 1203.4a, or 1203.41 of the Penal Code.

In addition to reviewing existing regulations and forms for compliance with statutes enacted by the Legislature, the Board is revising the California Law and Professional Practice Examination (CLPPE) to ensure validity with the current standards of practice of chiropractic, as well as laws that govern the profession. This examination must be vetted by professional licensees acting as subject matter experts to maintain the integrity of this examination. Without the an effective incentive to encourage participation, the Board experienced difficulty in recruiting professional licensees to participate as subject matter experts, and as a result experienced increased time to complete a full review of this examination.

Anticipated Benefits from this Regulatory Action:

This proposal will expedite the licensure process for applicants designated by these provisions by establishing a process by which the Board can easily identify applicants who qualify for expedited application processing, remove a conflict in regulation to ensure that active duty members of the military, who are licensees of the Board, are provided an exemption from renewal requirements. Also, the proposed regulation establishes a process by which applicants who have not obtained a social security number but have an individual taxpayer identification number may apply for a chiropractic license.

Additionally, the proposal will increase the interest in subject matter expert participation in the review and revision of the CLPPE. The Board believes that allowing continuing education credit to be granted to licensees who participate in the CLPPE workshop will increase the pool of licensees willing to serve in this capacity. Subject Matter Expert review of the CLPPE is needed to protect the integrity of the exam by ensuring the pool of Subject Matter Experts is adequate to conduct examination workshops as necessary, and the scope of the examination is consistent with current industry laws and chiropractic principles of practice, and enhance consumer protection by updating the application for licensure with additional screening questions which are consistent with current standards for obtaining a professional license.

Specific purpose of each adoption, amendment, or repeal:

The specific purpose of this proposal is to implement, interpret and make specific the provisions of Section 1000-5 of the Act, BPC sections 27, 30, 480, 114.3, 114.5, 115.4, 115.5, 135.5, 802 and GC section 11019.11, as they pertain to licensees and applicants for licensure as doctors of chiropractic including the application for licensure and requirements to renew a license; to incorporate by reference education verification forms and a revised application for licensure, which would require applicants to provide additional background history, thereby assisting the Board in enhancing the screening process for qualified applicants in order to protect the public.

Amend section 321. Application for license.

This proposal would amend the language in 16 CCR Section 321 to incorporate by reference the proposed revisions in the "Application for License to Practice Chiropractic," Form 09A-1 (Rev. 06/14). This section would also mandate, as part of the application requirements, verifications showing satisfactory completion of sixty (60) prechiropractic college credits and the minimal educational requirements for licensure from a chiropractic college attended by the applicant using forms entitled "Verification of Prechiropractic Hours," No. 09B-3 (New 07/14) and "Chiropractic College Certificate," 09B-2 (New 07/14) and incorporate these forms by reference.

Factual Basis/Rationale:

Section 1000-5, of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii), requires that any person wishing to practice chiropractic in this state submit an application to the board, upon such form that may be provided by the board. Additionally, Section 1000-5, of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii), requires applicants to provide proof of graduation from an approved chiropractic school or college and they shall present to the board at the time of submitting an application a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the board, or proof, satisfactory to the board, of education equivalent in training power to such high school and college courses.

Over the last few years, the Legislature has passed laws related to the licensing and continuing education of former and current members of the U.S. military. These changes in law require amendments to the Board's licensing application which is incorporated into regulation by reference. Therefore, any changes to the application must be made in regulation.

In order to properly capture the information required from applicants for licensure by the Chiropractic Initiative Act, the Board has proposed a revised application titled "Application for License to Practice Chiropractic" Form 09A-1 (Rev. 06/14) and has created two standard forms. The "Verification of Prechiropractic Hours," No. 09B-3 (New 07/14) form, is a verification showing satisfactory completion of sixty (60) prechiropractic college credits. The "Chiropractic College Certificate," 09B-2 (New 07/14) form, verifies the applicant has met the minimal educational requirements for licensure from a chiropractic college attended by the applicant.

The Board believes this revised application and new forms would be the most efficient method to collect application information from applicants and allow for expeditious processing by Board staff. Furthermore, by incorporating this revised application and forms into regulation, both applicants and Board staff will experience a more efficient process due to the continuity between the revised application and new forms.

Amendments to the Application for License to Practice Chiropractic include:

Instructions and Check Sheet for the Application for License to Practice Chiropractic - An instruction and check sheet page has been added to provide helpful guidance to assist the applicant in preparing their application for licensure for submission to the Board, including where to obtain supplemental documentation as well as a check sheet to ensure all required supplemental information is included with the application. This page is necessary to clarify what the Board considers as a complete application for licensure in order to avoid unnecessary delays in processing.

On the check sheet there is a section referring to convictions and it provides directions for the submission of documents that no longer exist or are no longer available. The instructions state that “if the report no longer exists or is not available, you must obtain a letter from the court, on their letterhead, specifying that fact.” The Board chose this specific language because receiving arrest reports or certified court documents would substantiate claims made by an applicant regarding prior arrests or convictions. Copies of arrest reports and probation documents from law enforcement agencies and/or certified court documents would be the appropriate documentation to obtain this information because such documents would be utilized as cause to deny an application for licensure if it is determined to be a substantially related offense.

The application form contains general information regarding fees associated with the application, who to send the fees to, notice regarding non-refundable application fees, general information regarding completion of the application form and a reference to the instruction sheet. 16 CCR Section 321, currently requires a non-refundable application fee of \$100 to be submitted with the Application for License to Practice Chiropractic; however, the application fees and to whom to make the checks or money orders payable are not listed on the license application that is currently incorporated by reference. Additionally, a criminal background check is required by Live Scan for in-state applicants and a fee of \$49.00 for out-of-state applicants to obtain a fingerprint card.

Personal Information Section – Requires the applicant to provide their official public mailing address, alternate address (practice address), home and work telephone number, Driver’s License No./issue date, social security number, or individual tax identification number, gender, and a photograph. This section would also provide a space, which is optional, for applicants to provide the Board with an e-mail address. Additionally, this section inquires about whether the applicant has served in the U.S. military or is a spouse, domestic partner, or in a legal union with an active duty member of the U.S. Military stationed in California.

16 CCR Section 303 requires chiropractic licensees to provide the Board with the address of their principal office and, where appropriate, each and every sub office, also known as a satellite office. In July of 2013, the Board became a part of DCA as a result of the Governor’s reorganization plan (GRP-2), which subjected the Board to several provisions in the BPC. BPC section 27 prescribes the internet disclosure requirements for websites of licensing entities under DCA and permits licensees to submit an alternate address, such as a post office box number, to use for public disclosure while using the other address for administrative purposes only.

The section requiring a social security number to apply for licensure has been amended to allow the use of an individual tax identification number or a social security number to comply with the amendment of BPC section 30 and the addition of BPC section 135.5 as a result of the recent passage of SB 1159

(Lara, Chapter 752, Statutes of 2014), which allows professional licensing entities in California to grant licenses to individuals who are not legal U.S. residents.

The sections requesting more than one telephone number, California Driver's License/issue date, gender and passport photograph were added for enforcement purposes to assist the Board in contacting and identifying the applicant for background checks during the application process, inspections and investigations once they become licensed, and for the safety of Board staff when threats of harm are received from licensees or applicants. The optional e-mail address would be used as an alternate means to contact the applicant during the application process as well as for future issues that may arise with their license, in the event that contact is unsuccessful via U.S. postal service and telephone.

This section requests applicants provide official documentation as evidence of military service or for someone married to a member of the U.S. military. In an effort to provide the most flexibility to applicants as far as documentation is concerned, the Board chose to provide guidance explaining that the documentation "includes but is not limited to military identification and military orders showing duty station or discharge papers. The Board believes that providing guidance and not being prescriptive is the best way to comply with the intent of the legislature.

Lastly, the sections inquiring about U.S. military service or marriage/legal union with a member of the U.S. military stationed in California were added to the application to comply with BPC sections 114.5 and 115.5, which establish a procedure for identifying applicants who are past or present members of the U.S. military, as well as identifying and providing priority processing of licensing applications for spouses/domestic partners/individuals in a legal union with active members of the U.S. military stationed in California. The laws related to military provide the Board with broad authority to accept evidence it deems satisfactory. requires applicants to provide evidence satisfactory to the Board that the applicant is married to, or in a domestic partnership or other legal union an active duty member of the Armed Forces of the United States. The Board believes accepting marriage licenses or equivalent documentation would be the most appropriate way to ascertain the relationship status of the applicant and his or her spouse.

Educational Background Section – Additional information required by applicants include the name and location of the high school attended, date of graduation, or GED earned as well as the name(s), location(s), dates attended, and date(s) and degree(s) earned for all undergraduate schools attended. This information complies with BPC section 1000-5 of the Act, which requires applicants to submit a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the Board, or proof satisfactory to the Board, of education equivalent in training power to such high school and college courses. This

information is necessary to assist the Board in determining whether the applicant has met the educational requirements for licensure. Including this information within the application for licensure will ensure that the applicant is aware of these licensure requirements and that this requirement is not overlooked during the Board's application screening process.

As part of the satisfactory proof of education required by the Act, the Board requires completion of a verification of prechiropractic hours and chiropractic education forms by the chiropractic ~~school's President, Dean or Registrar~~ college's registrar or an official authorized to verify academic records. The verified documents submitted to the Board must contain the official seal of the school signifying that the applicant meets the minimum educational requirements for licensure. The forms to be used for this purpose are the "Verification of Prechiropractic Hours," Form No. 09B-3 (New 07/14) and "Chiropractic College Certificate," Form No. 09B-2 (New 07/14), which are incorporated by reference.

Professional License Information Section – Questions regarding professional licensing have been added and/or expanded upon to gather a thorough application and licensing history of the applicant both in state and out of state/country. Specific changes to the application require the applicant to disclose the following:

- Applications previously filed for chiropractic examination or licensure in California and the outcome of the examination/application. This question is necessary for consumer protection to verify the history of prior applications received by the Board.
- Whether the applicant has ever been licensed to practice chiropractic in another U.S. state or federal territory, or another country. This question was expanded to include licensure in federal territories and other countries in order to gain a complete licensing history on applicants for consumer protection. This question is necessary for consumer protection to verify the history of prior applications received by the Board.
- Whether the applicant has held any other professional license in any U.S. state or federal territory or another country. This question is necessary to obtain information regarding any other professional license the applicant may hold or have held in any jurisdiction outside of California. This question is necessary for consumer protection to verify the history of prior applications received by the Board.
- Whether a license held in another state, federal territory, or country has been revoked, suspended, or subjected to discipline. This question was expanded to include discipline of a license in another country in order to conform to the question above relating to all chiropractic licenses issued to the applicant and to disclose a complete disciplinary background of chiropractic licenses held. This question is necessary for consumer protection to verify the history of prior applications received by the Board.

Disciplinary/Criminal History Section - The current application for licensure, incorporated by reference, asks only three questions regarding criminal history. These three questions have been rephrased and expanded upon to solicit a complete criminal history from applicants. Specific changes and additions to the application require the applicant to disclose the following:

- Whether the applicant has been charged with, or been found to have committed unprofessional conduct, professional incompetence, gross negligence, or repeated negligent acts or malpractice by this or any other licensing agency or hospital. This question was added for consumer protection purposes to ensure the applicant has complied with the laws, rules, and standards of practice that govern the profession(s) for which they hold a license(s).
- Whether the applicant has withdrawn an application for licensure to practice chiropractic in lieu of denial or disciplinary action by this or another agency. This question was added to determine whether the applicant has committed acts or violations, which are not disclosed as formal administrative actions, which may compromise the safety of patients.
- Whether the applicant has been denied permission to take an examination for a license to practice chiropractic or any other profession by this or another licensing agency, or whether any such action is pending. This question was modified slightly to exclude license denials, which have been placed as a separate question on the proposed application. This change was made for clarity to alleviate unintentional omissions by applicants as well as consumer protection by capturing pending administrative actions.
- Whether the applicant has ever been denied a license to practice chiropractic or any other profession by this or any other licensing agency. This portion was placed as a separate question on the proposed application for clarity to alleviate unintentional omissions by applicants.
- Whether the applicant has ever voluntarily surrendered a license to practice chiropractic or any other professional license. This question was added for consumer protection purposes to disclose adverse licensing issues that did not result in formal administrative action.
- Whether the applicant has ever been convicted or pled guilty or pled nolo contendere to ANY offense of any local, state, or federal law of any state, territory, foreign country, or U.S. federal jurisdiction. This question was expanded upon to include convictions of local, territory or U.S. federal jurisdiction laws. Additionally, the disclosure statement defining the types of convictions that must be disclosed was added for clarity to minimize omissions by applicants and compliance with the changes to BPC section 480.
- Whether any criminal action is pending against the applicant, or whether the applicant is awaiting judgment and sentencing following entry of plea or jury verdict. This question was added for consumer protection purposes to provide the Board with full disclosure of an applicant's



criminal background which has not been fully adjudicated in order for the Board to assess the applicant's ability to practice chiropractic safely.

- Whether the applicant has had a claim or action for damages filed against them in the course of the practice of chiropractic or any other healing art which resulted in malpractice settlement, judgment, or arbitration award of over \$3,000.00. This question was added to the application for consumer protection to disclose malpractice claims which may not have resulted in administrative action against a license and complies with the requirements in BPC section 802(a).

Two questions regarding convictions which are asked on the current application were not included in the proposed application. The first question inquires whether the applicant has ever practiced or been convicted of practicing chiropractic without a license. The second question inquires whether the applicant has ever been convicted of practicing medicine without a license. Both of these questions are no longer necessary as this information would be disclosed through the revised questions asked in the discipline and licensing sections of the amended licensing application.

Practice Impairment or Limitations Section - The following questions ~~were~~ was added to the application to determine the applicant's fitness and competence to practice chiropractic in this state.

- ~~Whether the applicant has a current physical or mental impairment related to drugs or alcohol.~~
- Whether the applicant has been adjudicated by a court to be mentally incompetent or whether they are currently under a conservatorship.

BPC section 480 permits the Board to deny any applicant for substantially related acts that if done by a licensee would be grounds for suspension or revocation of the license. ~~These two questions are~~ is necessary for public protection by preventing the issuance of a license to individuals who are deemed incompetent to practice chiropractic safely.

~~**Notice and Application Declaration/Signature - A Notice of probable cause to deny or revoke a license was added to the application to clarify the acts for which the Board has authority to take administrative action against an applicant or licensee. An application declaration was added to provide the Board with a legal basis for denial of the application or administrative action of a license for failure to complete the application truthfully. The application declaration requires the signature of the applicant and the date the application was completed by the applicant, along with the Board's address to mail the application and accompanying documentation.**~~

Notice and Application – A notice of probable cause to deny or revoke a license was added to the application to clarify the acts for which the Board has authority to take administrative action against an applicant or licensee. Business and Professions Code section 480 provides the authority to deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

Declaration/Signature – The declaration and signature line has been modified to remove the requirement to sign under penalty of perjury. It is only necessary for applicants to attest that all information provided is true, correct and completed to the best of their knowledge. This change would provide the Board with a legal basis for denial of the application or administrative action against an applicant for failure to complete the application truthfully.

The application declaration requires the signature of the applicant and the date the application was completed by the applicant, along with the Board's address to mail the application and accompanying documentation.

Notice Regarding Information Collection and Access – A notice was added to the application to comply with the Information Practices Act and inform the licensee of the Board's authority to collect the information required in the application as well as the public disclosure policy of the contents contained in an application submitted to the Board.

#### Application Form 09B-2

The declaration and signature line on the chiropractic college certificate (Form No. 09—B2) form has been modified to remove the requirement to sign under penalty of perjury. It is only necessary for applicants to attest that all information provided is true, correct and completed to the best of their knowledge.

#### Application Form 09B-3

The declaration and signature line on the verification of prechiropractic hours (Form No. 09B-3) form has been modified to remove the requirement to sign under penalty of perjury. It is only necessary for applicants to attest that all information provided is true, correct and completed to the best of their knowledge.

The form was modified to remove the requirement that the form only be signed by the school's president, dean, or registrar to allow the registrar or a college official authorized to verify academic records to sign the verification of prechiropractic hours form (Form NO 09B-3).

Factual Basis/Rationale:

BPC section 114.5 requires boards under DCA to inquire in every application for licensure whether the applicant is serving in, or has previously served in, the military. Similarly, Government Code section 11019.11 requires every state agency that inquires about whether a person is a veteran on any written form, publication or through the Internet web site, to request this information in the specific format, "Have you ever served in the United States military?" Both pieces of legislation seek to assist state agencies in easily identifying applicants who are past and present members of the U.S. military to ensure they are afforded the licensing opportunities granted by the Legislature. Additionally, BPC section 115.5 requires boards under DCA to expedite the licensure process for spouses or persons in a legal union with active members of the military stationed in California and who hold a current license in another state, district or territory in the U.S. in the profession or vocation for which they are seeking licensure, and BPC section 115.4 requires licensing boards to expedite the licensure process for applicants who have served in the U.S. military and were honorably discharged. These laws do not specify the manner in which a board must implement these requirements, but provides boards with the authority to adopt regulations to administer this section. This section would establish a procedure for identifying applicants eligible for expedited application processing, update the licensing application for consistency with current law pertaining to administrative discipline and criminal history, and implement a process by which applicants without social security numbers can apply for a chiropractic license.

Amend 16 CCR Section 364(g). (Exemptions and Reduction of Requirement)

This proposal would amend Section 364(g) by adding new language to Section 364(g) and renumber the current text under this subsection to 364(h). Proposed subsection (g) ~~would provide the Board with authority to grant up to sixteen (16) hours of continuing education credit (eight (8) hours in Ethics and Law; eight (8) hours in Principles of Practice) for participation in the entire two-day workshop as a Subject Matter Expert for the development of the California Law and Professional Practice Examination (CLPPE).~~ would provide the Board with authority to grant one hour of CE credit for each hour volunteered, up to a maximum of sixteen hours (16) for participation in the entire two-day workshop as a Subject Matter Expert for the development of the California Law and Professional Practice Examination (CLPPE).

Factual Basis/Rationale:

The exam review workshop takes place over the course of two eight hour working days or sixteen hours total hours. The two workshop days are divided between one day of Ethics and Law and one day of Principles of Practice. These factors were considered when the Board came up with sixteen total CE credits hours broken out between eight hours of Ethics and Law and eight hours of Practice Principles. Licensees participating in an exam workshop would be granted one hour of CE credit per one hour spent reviewing and revising the examination.

The CLPPE is the Board's examination of California laws and standards for the practice of chiropractic. In order to maintain the integrity and validity of this examination, a periodic review and revision of the examination must be performed by licensees. The Board has been working on revising the CLPPE in order to update the examination with current standards and practice in chiropractic; however, workshops have had to be cancelled and rescheduled due to difficulty in recruiting licensees to serve as Subject Matter Experts for this purpose. Currently, Subject Matter Experts receive per diem for participation, which includes cost of travel, lodging and meals at the state rate and must give up a minimum of two full days of work in their practice to serve in this capacity. Since most chiropractic businesses are sole proprietors, participating in the two-day workshop creates a financial hardship for licensees. The Board believes that offering continuing education credit as an incentive will entice a larger pool of licensees to participate in examination development in order to ensure that applicants are examined for proficiency in current laws and standards required by this state. Licensees are volunteers providing services to the Board and may be reimbursed for necessary travel expenses at the rate negotiated for State employees performing comparable duties.

Amend 16 CCR Section 364(h). (Exemptions and Reduction of Requirement)

As a result of the new language added to section 364(g), the current text in subsections (g) and (h) were renumbered to subsections (h) and (i), respectively. No changes were made to the text of this subsection.

Add 16 CCR Section 364(i). (Exemptions and Reduction of Requirement)

The current language in subsection (h) was moved and renumbered to subsection (i) as a result of the formatting changes described above. Further, the language was amended to exempt licensees who are serving on active duty in the U.S. military or California National Guard from the continuing education requirements.

Factual Basis/Rationale:

Currently, licensees serving on active duty can complete all of their required continuing education courses through distance learning. The Board was placed under the DCA as a result of the Governor's Reorganization Plan (GRP 2; Governor Brown, effective July 3, 2012) which subjected the Board to additional requirements in the BPC. Section 114.3 of the BPC requires boards under DCA to waive renewal fees, continuing education requirements, and other renewal requirements for any licensee or registrant called to active duty as a member of the U.S. Armed Forces or the California National Guard. The Board's current regulation conflicts with BPC section 114.3; therefore, this section was amended for consistency.

## **Underlying Data**

- Senate Bill 1159 (Lara, Chapter 752, Statutes of 2014)
- Senate Bill 1226 (Correa, Chapter 657, Statutes of 2014)
- Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013)
- Assembly Bill 258 (Chavez, Chapter 227, Statutes of 2013)
- Assembly Bill 1588 (Atkins, Chapter 742, Statutes of 2012)
- Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012)
- Oct. 28, 2014 Board of Chiropractic Examiners Meeting Minutes (Draft)
- Application for License to Practice Chiropractic, Form 09A-1 (Rev. 9/92)
- FCLB Nation Trends of DC Licenses to Population (DC stands for Doctor of Chiropractic)
- Chiropractic College Enrollment Data – 1995 to 2013
- CA Board of Chiropractic Examiners - Table of California Licensees 2010-2015

## **Businesses Impact:**

The Board concludes that the proposal is unlikely to create or eliminate any jobs for the profession, the proposal will not create new businesses or eliminate existing businesses, and the proposal is unlikely to impact the “expansion of businesses” because the national trend of student enrollment in chiropractic colleges and number of licensed chiropractors reported by each state over the last five years remains relatively consistent.

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states and the creation, elimination or expansion of California businesses. This proposal would specifically impact applicants who are past and present members of the military and their spouses/legal partners as well as undocumented applicants by authorizing licensing application processing privileges granted by the Legislature. The Board’s proposed regulations are intended to implement section 1000-5 of the Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii, Government Code section 11019.11 and BPC sections 27, 30, 114.3, 114.5, 115.4, 115.5, 135.5, 480 and 802(a) in a manner that will provide the greatest protection to the people of California. Chiropractic businesses are most commonly sole practitioners, but also include partnerships or corporations. The national trend statistics show no significant increases or decreases in student enrollment in chiropractic colleges or in the numbers of licensed chiropractors throughout the United States from 2010 through 2013.

## **Economic Impact Assessment/Analysis:**

This regulatory proposal will have the following effects:

### **Impact on Jobs:**

This proposal will not have a significant impact upon the creation or elimination of jobs within the State of California because this proposal would specifically amend the “Application for License to Practice Chiropractic,” Form 09A-1 (Rev. 06/14), to add additional questions to determine the applicant’s disciplinary and criminal history to determine an applicant’s fitness for licensure, to comply with numerous pieces of legislation passed which grant past and present members of the U.S. military and their spouses or significant others in a legal union with the military member expedited application processing as well as allowing undocumented individuals with individual tax identification numbers to apply for licensure. Although the application process will be expedited for specified individuals and the pool of eligible applicants expanded, the Board does not anticipate a significant increase or decrease in chiropractic jobs as a result of this proposal because the Board does not have a backlog in licensing applications. Further, the Board does not anticipate a significant increase in jobs for undocumented applicants based on the relatively stagnant overall national trend of student enrollment in chiropractic colleges and number of licensed chiropractors reported by each state over the last five years. This analysis is based on statistics shown in the “FCLB Nation Trends of DC Licenses to Population”, the “Chiropractic College Enrollment Data – 1995 to 2013” and the “CA Board of Chiropractic Examiners - Table of California Chiropractic Licensees 2010-2015.”

### **Impact on businesses:**

This proposal will not create new businesses or eliminate existing businesses and the expansion of businesses because the national trend of student enrollment in chiropractic colleges and number of licensed chiropractors reported by each state over the last five years remains relatively consistent.

### **Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:**

The Board has determined that this regulatory proposal will protect the health and welfare of California residents through the collection of additional disciplinary and criminal history on the licensing application in order to determine an applicant’s fitness to practice chiropractic. Additionally, the Board believes that offering continuing education credit for participation as a Subject Matter Expert in the review and revision of CLPPE will ensure the efficacy and validity of the examination, thereby resulting in licensees who have demonstrated proficiency in current California laws and practices guiding their profession. This proposal will have no effect on worker safety or the State’s environment.

### **Specific Technologies or Equipment:**

This regulation does not mandate the use of specific technologies or equipment.

## **Consideration of Alternatives:**

The Board considered the alternative of maintaining the status quo. However, the proposed changes are derived from laws passed by the Legislature requiring Department of Consumer Affairs Board's expedite the licensing process for U.S. military members, inquire in all applications whether an applicant is serving in, or has previously served in the United States military, requires every state agency to request on any written form or publication, whether an applicant has ever served in the U.S. military. Additionally, the Legislature has required DCA Boards to waive the renewal fees, continuing education requirements, and other renewal requirements for any licensee or registrant called to active duty as a member of the U.S. Armed Forces or the California National Guard and requires boards within DCA to expedite the licensure process for applicants who are married to or in a domestic partnership or other legal union with an active duty member of the U.S. military, stationed in California, and who holds a current license in another state, district or territory of the U.S. in the profession for which they are seeking licensure. The Board does not have the option to not implement these changes mandated by the Legislature.

Further, the Board has considered various proposals to increase licensee participation as Subject Matter Experts in the two-day examination workshop to update the CLPPE with current standards and practice in chiropractic. In order to maintain the integrity and validity of the CLPPE, a periodic review and revision of the examination must be performed by licensees. However, without offering CE credit to licensees as an incentive for participating in the workshops, the financial hardship caused by missing two days of work is too high for a large number of licensees to participate.

The Board has made an initial determination that no reasonable alternatives to the proposed amended regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.