

Board of Chiropractic Examiners

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<http://www.chiro.ca.gov>

**NOTICE OF PUBLIC MEETING**

Notice is hereby given that a meeting of the **Board of Chiropractic Examiners** will be held as follows:

January 10, 2008

Upon Conclusion of the MUA Committee Meeting

Hearing Room
400 R Street, Room 101
Sacramento, CA 95814

AGENDA**PUBLIC SESSION****Call to Order**

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge James Duvaras (Ret.), Public Member
Hugh Lubkin, D.C.

Board Member Opening Remarks**Election of Officers for 2008****Candidate Statements**

- Chair
- Vice Chair
- Secretary

New Chair's Opening Remarks**Approval of Minutes**

November 27, 2007, Open Session

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws**Executive Officer's Report**

- Budget
- Licensing
- Enforcement

Committee Reports**Discussion and Possible Action:**

- Manipulation Under Anesthesia (MUA) Committee (The Board may take action on any agenda item listed on the attached MUA Committee Agenda)

Discussion and Possible Action:

- Enforcement Committee (The Board may take action on any agenda item listed on the attached Enforcement Committee Agenda)

Discussion and Possible Action:

- Legislative Committee
- Assembly Bill 163
- Any other legislative bills of interest

Announcements

Next Board meeting – March 27, 2008, Sacramento

Public Comment

New Business

- Future Agenda Items
- Other Issues

CLOSED SESSION

Discussion on Pending Litigation

Pursuant to California Government Code Section 11126(e)

Bryan Meredith, D.C. v. M. Maggie Craw, D.C. et al.
Sacramento County Superior Court, Case No. 07AS03639

David Hinchee v. Board of Chiropractic Examiners, Catherine Hayes
Sacramento County Superior Court, Case No. 07AS03721

PUBLIC SESSION

Call to Order

Adjournment

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Public Meetings Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting is accessible to the physically disabled. If a person needs disability-related accommodations or modifications in order to participate in the meeting, please make a request no later than five working days before the meeting to the Board by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or sending a written request to that person at the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Requests for further information should be directed to Ms. Valencia at the same address and telephone number.

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**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

November 27, 2007
400 R Street, Room 101
Sacramento, CA 95814

BOARD MEMBERS PRESENT

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jim Conran, Public Member
Judge Duvaras, Public Member
Hugh Lubkin, D.C.

STAFF PRESENT

Brian J. Stiger, Executive Director
LaVonne Powell, DCA Senior Staff Counsel
Thomas Rinaldi, Deputy Attorney General
Marlene Valencia, Staff Services Analyst

Call to Order

Dr. Tyler called the meeting to order at 10:07

Roll Call

Dr. Columbu called the roll. All members were present.

Approval of Minutes

- August 16, 2007, Open Session

Dr. Tyler asked for a motion to approve the October 25, 2007.

**DR. LERNER MOVED TO ADOPT THE OCTOBER 25, 2007 OPEN SESSION MINUTES.
DR. LUBKIN SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.**

Executive Officer's Report

Administration

Budget Update

Mr. Stiger reported that the Board has expended approximately \$546,000 through October 31, 2007, which is about 35% of our total budget. This does not include the projected \$370,000 in legal fees needed to defend the Board in two lawsuits. Board staff is working closely with the Department of Finance to address the Board's fiscal issues and have every intention of keeping the office functioning through the end of the fiscal year. The effective date of the lay-off is January 7, 2008, when staffing will be reduced to six. The consequence of the budget cut is most noticeable in our Enforcement Unit. The Board is unable to initiate a number of enforcement cases due to limited funds.

Judge Duvaras made a recommendation that licensed Chiropractors with ten years of experience and clean record offer their services on a pro bono basis to assist Board staff review consumer complaints. Mr. Stiger suggested that these chiropractors might be used instead as expert reviewers and keep professional staff evaluating consumer complaints.

Mr. Conran expressed his concern about deputizing members of the profession to do work on behalf of the state and suggested that the Board move cautiously. Mr. Conran also suggested that the Chair and the Executive Officer meet with Senator Mark Ridley-Thomas to resolve the budget issue. Mr. Conran stated it is incumbent upon the Board to reach out to the Legislature to address our budget. Dr. Lerner agreed with Mr. Conran's suggestion and informed the Board he has contacted the offices of Assembly Members Laird and Eng but has not been successful in making contact.

Mr. Stiger provided licensing and examination statistics and indicated that licensing processing time will increase in January due to staffing reductions. Dr. Lerner asked how licensees and applicants would be affected. Mr. Stiger projected that processing times would probably take up to 45 days or longer.

Dr. Lerner asked what licensees should do if they submit their renewals in two weeks before the expiration date and they don't receive their new licenses. Should licensees continue to display the old license? Mr. Stiger suggested that licensees continue to display their licenses and encouraged all licensees to renew early to avoid potential delays.

Mr. Conran asked if the Board is working on capturing e-mail addresses of licensees to communicate more efficiently and rapidly. Mr. Stiger said Board staff attempted to achieve this through a subscription on the Board's website but it went down during the transition to our new web site.

Mr. Conran asked that the Board be updated at the next meeting on final personnel changes and how operations would be continued with a reduced staff.

Mr. Stiger provided enforcement statistics and noted that in comparison to last year the number of violations have decreased.

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Ms. Powell asked the Board Members if they had any questions or topics that they would like to discuss. Mr. Conran applauded the Chair for continuing to have this topic on the agenda and hopes that the new Chair does the same.

Federation of Chiropractic Licensing Boards (FCLB) District Meeting Delegate Report

Dr. Lubkin briefly summarized his experiences in attending these meetings and the value of the Federation of Chiropractic Licensing Boards and the National Board of Chiropractic Examiners in assisting this Board meet its mission. Dr. Lubkin introduced Dr. Edward Weathersby, D.C., Dr. Martin Kollasch, D.C. and Mr. Horace Elliott, who provided an overview of their organizations and services that they provide to regulatory boards.

Committee Reports

Continuing Education

Dr. Lubkin reported that the committee needs to review and update the current regulations to increase CE hours, address distance learning, and CE providers. The committee intends to meet early next year to begin working on the regulations.

Enforcement Committee

Dr. Lubkin reported that the board needs to move forward with 306.1 or rewrite the regulation, or abolish the regulation. Dr. Lubkin reported that the issue of chiropractors conducting x-rays needs to be further researched before the committee could come forward with a recommendation to the full board.

Dr. Tyler expressed his concern that the committee was not moving quickly enough with 306.1. Dr. Lubkin stated he will provide a written report at the next meeting on the status.

Ms. Powell, expressed her concern with the Board moving forward with establishing Quality Review Panels from a legal perspective and public policy perspective. Ms. Powell is concerned that this would set this Board far apart from all other healing arts boards.

Dr. Tyler added that the Board needs a strong Chiropractic input regarding complaint review and that the Board worked well for 70 years prior to the establishment of a chiropractic consultant.

Mr. Conran agreed with Ms. Powell. He said that every other Board moved away from this because Boards got themselves in trouble because of the actions of other people and this would be contrary to every other healing arts board in the state.

Dr. Tyler asked Dr. Charles Davis, D.C. as it was done before, is there anything about this program that is unfeasible or could open up the Board to legal problems. Dr. Davis said he recognizes potential for problems as staff counsel stated. Dr. Davis says that the Board needs to establish a process of instruction and standards for review panels, consultants or experts.

Dr. Lerner offered that most of the Board members would oppose the hiring of a Chiropractic Consultant due to the recent past. Dr. Lerner states that the Board has a duty to implement regulations and the

Board needs to make a decision.

Mr. Stiger stated that the Board has only considered two options either the Chiropractic Consultant or 306.1 and that other options need to be considered. Mr. Stiger stated if a decision needs to be made today, from a staff's perspective, 306.1 should be repealed.

Dr. Lubkin agreed with Mr. Stiger in that the Board has not considered all available alternatives and that 306.1 needs to be rewritten at a minimum. Dr. Lubkin requested time to work with staff counsel and the Executive Officer to prepare a report on the status of 306.1.

Dr. Tyler asked Dr. Lubkin to meet with Ms. Powell, Dr. Davis and other interested parties to reach some consensus.

Dr. Davis raised several concerns about the Board's current Expert Reviewers including conflicts of interest.

Ms. Powell suggested that she work with Mr. Stiger to develop an Expert Reviewer manual to present to the Board at the next Board meeting. Mr. Stiger agreed to share the manual with Dr. Davis and other interested parties.

Dr. Tyler clarified the Board's priorities in that Board staff will proceed with the enforcement issues prior to addressing the chiropractic x-ray issue due to staffing issues. Ms. Powell added that chiropractors should not presume that the Board can make a pronouncement regarding scope of practice and the next day chiropractors go back to Health Services. The Board may need to change regulations or consider other options before this issue completely resolved.

MUA Committee

Dr. Lerner reported that Dr. David Prescott made a presentation on the original scope of practice approved by the voters in 1922. Dr. Lerner complimented Mr. Prescott on his presentation and that the committee will continue to research scope of practice.

Dr. Lerner stated that when the committee moves forward with regulations, the committee will develop a standard of care that will relate to defining how the procedure will be performed, what facility, who is in charge, and any emergency procedures. Also, the committee is waiting for a legal opinion from DCA.

Mr. Conran stated that he was pleased to hear that the committee is developing standards about how and where MUA is performed. Mr. Conran stated his preference is that MUA be performed at hospitals.

Proposed Board Meeting Schedule for 2008

Judge Duvaras proposed that the two day meetings be changed to one day for cost savings and for the convenience of the professional members. Mr. Stiger explained that adding additional meetings increase cost and the meetings could start later in the day to save costs.

MR. CONRAN MOVED TO ADOPT THE PROPOSED BOARD MEETING SCHEDULE FOR 2008. DR. LEARNER SECONDED THE MOTION. VOTE: 4-1. MOTION CARRIED.

Announcements

The next meeting is scheduled for January 10, 2008, in Sacramento.

Public Comment

Dr. Charles Davis, D.C. congratulated the Board and staff for its work this year

Mr. Dean Falltrick stated that he wants to see the Board focus on the ability to expand continuing education in a distance learning format.

Kristine Schultz, Chiropractic California Association thanked the Board for all of its efforts.

Debra Mattos, Southern California University of Health Sciences says the Board made a tremendous improvement and thanked the Board.

Dr. Lerner thanked Mr. Stiger and the Board staff for their efforts.

Future Agenda Items

Judge Duvaras asked that a discussion on available legal remedies to restore the Board's budget.

Dr. Tyler adjourned the public session at 12:43pm.

DRAFT

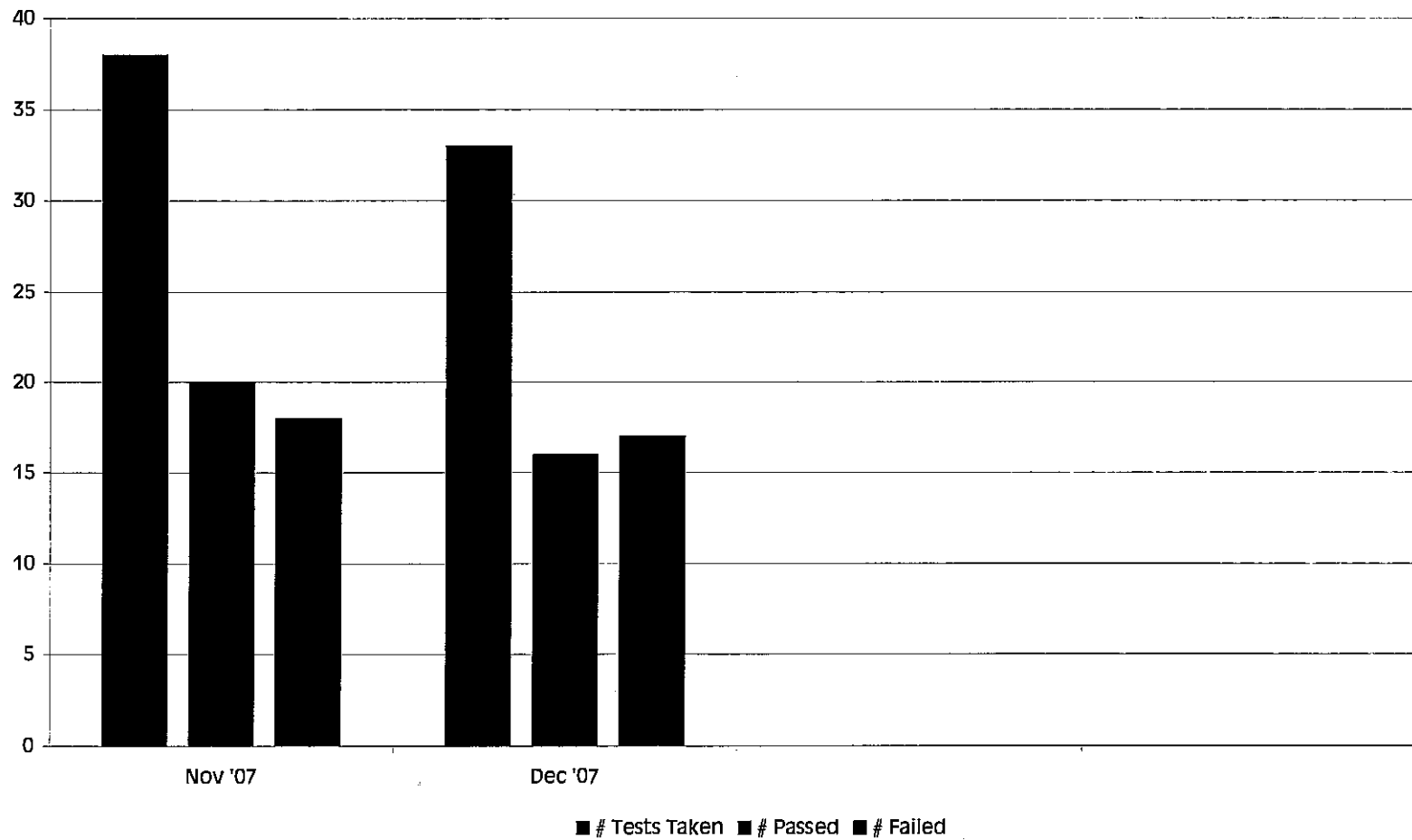
Budget

will be sent prior to the Board
meeting via email

2007 Chiropractic Law & Professional Practice Exam (CLPPE)

	# Tests Taken	# Passed	# Failed
Nov '07	38	20	18
Dec '07	33	16	17

*78% Needed to Pass the CLPPE



**BOARD OF CHIROPRACTIC EXAMINERS
 LICENSE STATISTICAL DATA
 As of DECEMBER 31, 2007**

LICENSE TYPE	VALID/ACTIVE	FORFEITED	CANCELLED
CHIROPRACTORS	13822	1006	7809
SATELLITES	2262	798	4710
CORPORATIONS	1331	312	976
REFFERALS	17	15	4
TOTALS	17432	2131	13499

As of DECEMBER 31, 2006

LICENSE TYPE	VALID/ACTIVE	FORFEITED	CANCELLED
CHIROPRACTORS	13748	1321	7232
SATELLITES	2013	1291	3457
CORPORATIONS	1220	268	957
REFFERALS	17	14	4
TOTALS	16998	2894	11650

Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

- 10 – Rules of Professional Conduct
- 15 – Noncompliance With and Violations of Act

California Code of Regulations (CCR):

- 302(a) – Scope of Practice
- 303 – Filing of Addresses
- 308 – Display of License
- 311 – Advertisements
- 312 – Illegal Practice
- 316 – Responsibility for Conduct on Premises
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 355 – Renewal and Restoration
- 360 – Continuing Education Audits
- 367.5 – Application, Review of Refusal to Approve (corporations)
- 367.7 – Name of Corporation

Business and Professions Code (BP):

- 801 – Professional Reporting (malpractice settlements)
- 810 – Insurance Fraud
- 2430 – Default on Health Education Assistance Loan

Health and Safety Code (HS):

- 123110 – Patient Access to Health Records

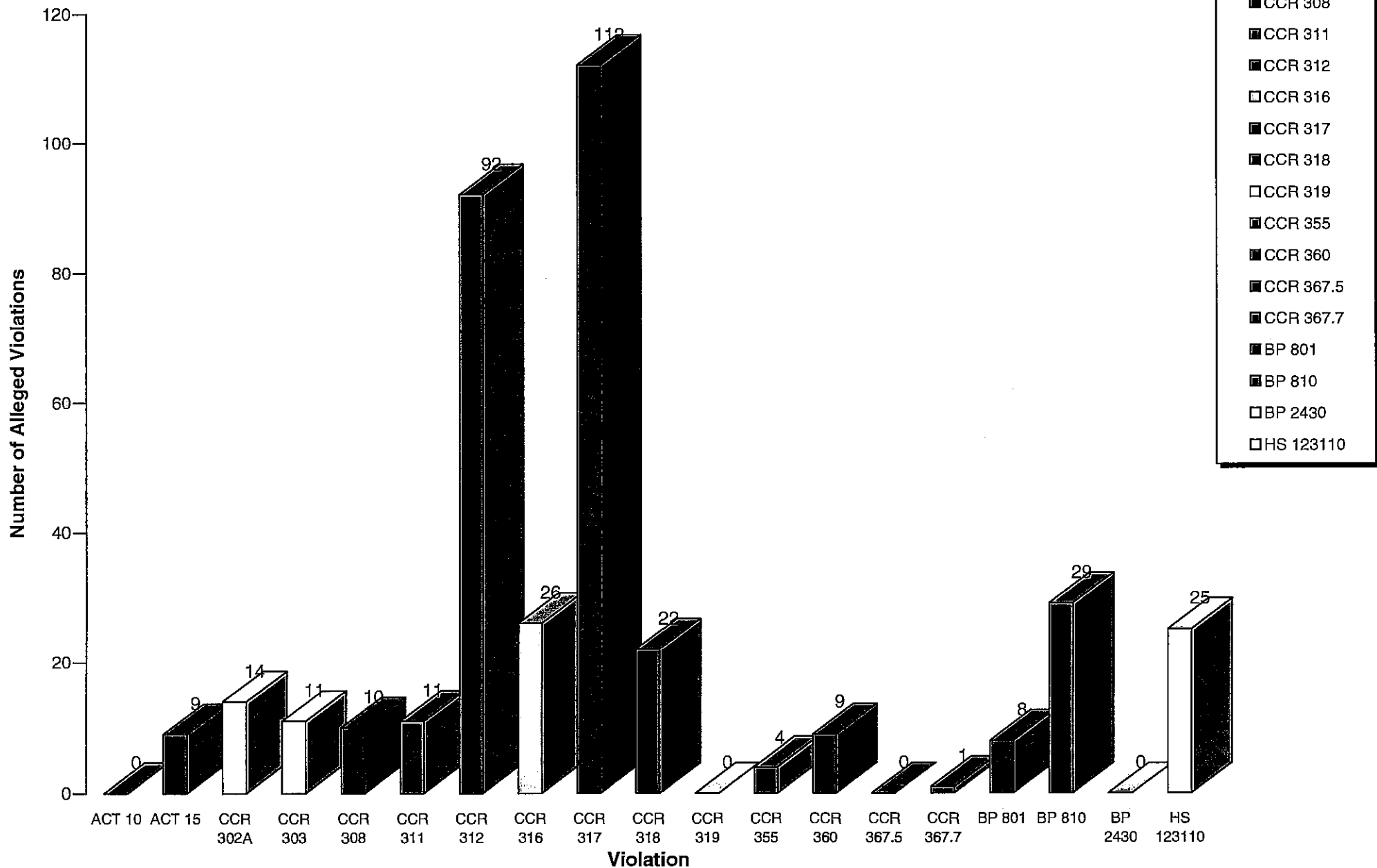
FISCAL YEAR 2008

July 1, 2007 - December 31, 2007

Total Number of Complaints Opened - 312

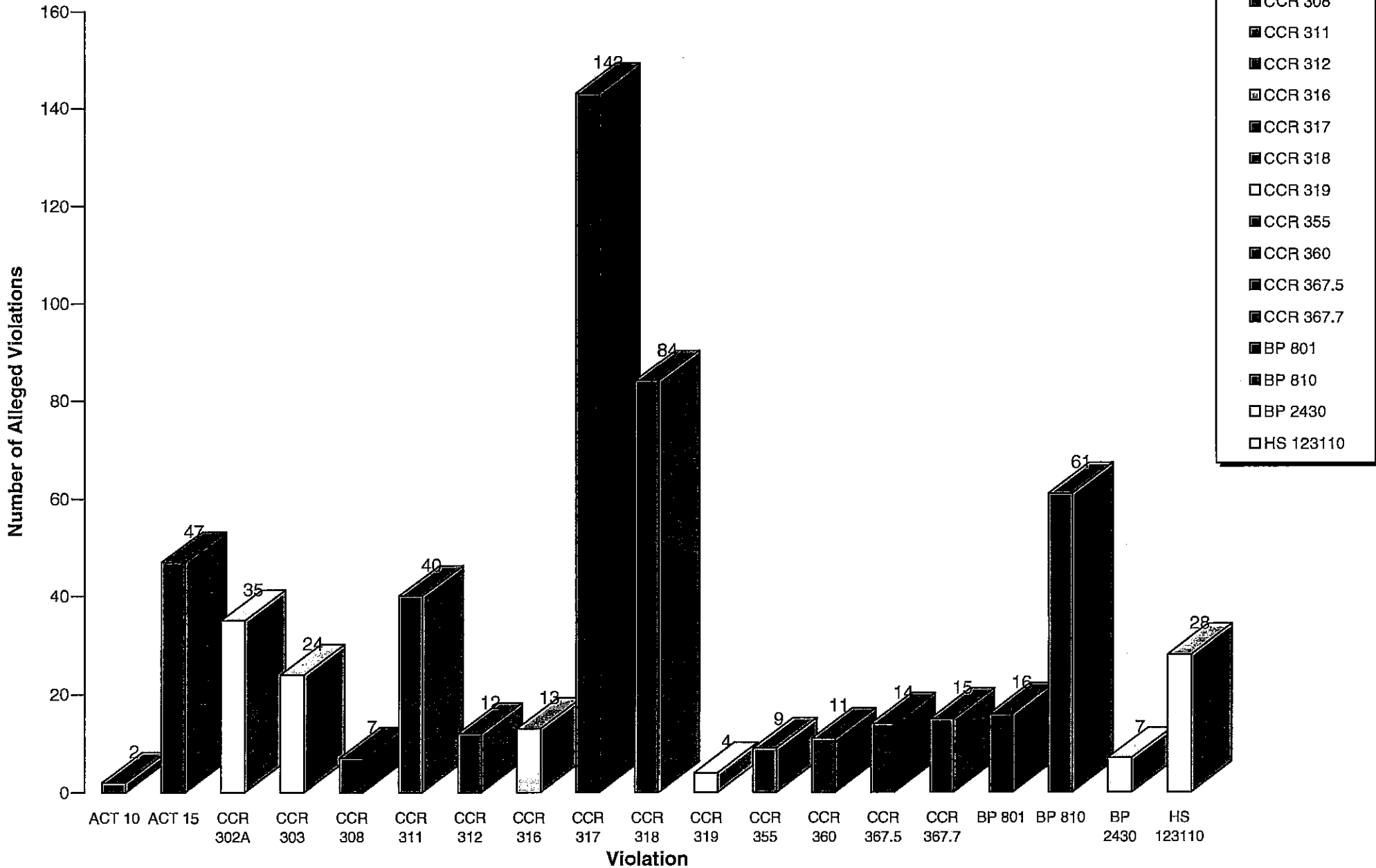
Total Number of Violations - 383

(A complaint may contain multiple violations)



FISCAL YEAR 2007

July 1, 2006 - December 31, 2006
 Total Number of Complaints Opened - 383
 Total Number of Violations - 572
 (A complaint may contain multiple violations)



AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 163

Introduced by Assembly Member Mendoza Eng
(Coauthor: Senator Ridley-Thomas)

January 22, 2007

~~An act to add Article 3.5 (commencing with Section 14691) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to state buildings. An act to amend Sections 101 and 313.1 of the Business and Professions Code, and to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent therewith" approved by electors November 7, 1922, by amending Sections 1, 2, 3, 4, 6, 8, and 14 thereof and adding Sections 1.5, 6.5, and 18.5 thereto, relating to chiropractors, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 163, as amended, Mendoza Eng. ~~State buildings; bicycle facilities.~~
Chiropractors.

(1) Existing law, the Chiropractic Act enacted by initiative, provides for the licensing and regulation of chiropractors by the State Board of Chiropractic Examiners, which is composed of 7 members appointed by the Governor. Under the act, the board is required to employ an

executive officer. Existing law establishes the Department of Consumer Affairs in the State and Consumer Services Agency, and the department is composed of various boards that regulate members of professions, including the healing arts, and vocations. Existing law prohibits a person from being denied admission to a chiropractic school, from being denied the right to take an examination, from being denied the right to receive a diploma or certificate of graduation from a chiropractic school, or from being denied licensure on the basis that he or she is blind.

This bill would enact the Chiropractor Consumer Protection Act, which would include the board in the Department of Consumer Affairs, would change 2 members of the board to public members appointed by the Senate Committee on Rules and the Speaker of the Assembly, and would require the members appointed by the Governor, including one public member, to be confirmed by the Senate. The bill would also prohibit the director from disapproving or rejecting any rule or regulation pertaining to chiropractic scope of practice or educational requirements. The bill would exempt the executive officer from civil service, and would specify that other employees of the board are subject to those provisions. The bill would also specify that protection of the public is the highest priority of the board. The bill would provide that the employment of legal counsel by the board be subject to certain requirements, and that the board be subject to specified meeting and disclosure requirements. The bill would also require that all appropriations from the State Board of Chiropractic Examiners' Fund be made by the Legislature in the annual Budget Act. This bill would prohibit a person from being denied admission to a chiropractic school, from being denied the right to take an examination, from being denied the right to receive a diploma or certificate of graduation from a chiropractic school, or from being denied licensure because he or she is disabled. The bill would also specify that certain general provisions applicable to health care providers and health care provider licensing boards be applicable to chiropractors and to the board. The bill would appropriate \$1,542,000 from the State Board of Chiropractic Examiners' Fund for purposes of the Chiropractic Act, as specified.

Because the bill would amend an initiative act, the bill would require certain of its provisions be submitted to the voters for approval on the June 3, 2008, primary election ballot. The bill would state the Legislature's intent to appropriate \$300,000 from the State Board of

Chiropractic Examiners' Fund for specified costs incurred by the Secretary of State in placing these provisions on the ballot.

(2) This bill would incorporate additional changes in Section 101 of the Business and Professions Code, proposed by SB 534, to be operative only if both this bill and SB 534 are chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.

~~Existing law generally sets forth the centralized services to be provided by the Department of General Services with respect to state buildings and property, among other duties.~~

~~This bill would enact the Green and Healthy Workplace Bicycle Facilities Act of 2007, which would require the department, in consultation with the State Architect and other state agencies, to adopt regulations establishing standards for bicycle facilities, including parking areas, showers, and lockers in state-owned and state-leased buildings. The bill would require each state agency to develop programs to promote and encourage bicycle commuting and use of bicycles for work-related trips, as well as to manage its bicycle facilities.~~

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

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 *Chiropractor Consumer Protection Act.*
- 3 SEC. 2. *Section 101 of the Business and Professions Code is*
- 4 *amended to read:*
- 5 101. The department is comprised of:
- 6 (a) The Dental Board of California.
- 7 (b) The Medical Board of California.
- 8 (c) The State Board of Optometry.
- 9 (d) The California State Board of Pharmacy.
- 10 (e) The Veterinary Medical Board.
- 11 (f) The California Board of Accountancy.
- 12 (g) The California Architects Board.
- 13 (h) The Bureau of Barbering and Cosmetology.
- 14 (i) The Board for Professional Engineers and Land Surveyors.
- 15 (j) The Contractors' State License Board.
- 16 (k) The Bureau for Private Postsecondary and Vocational
- 17 Education.
- 18 (l) The Structural Pest Control Board.

- 1 (m) The Bureau of Home Furnishings and Thermal Insulation.
- 2 (n) The Board of Registered Nursing.
- 3 (o) The Board of Behavioral Sciences.
- 4 (p) The State Athletic Commission.
- 5 (q) The Cemetery and Funeral Bureau.
- 6 (r) The State Board of Guide Dogs for the Blind.
- 7 (s) The Bureau of Security and Investigative Services.
- 8 (t) The Court Reporters Board of California.
- 9 (u) The Board of Vocational Nursing and Psychiatric
- 10 Technicians.
- 11 (v) The Landscape Architects Technical Committee.
- 12 (w) The Bureau of Electronic and Appliance Repair.
- 13 (x) The Division of Investigation.
- 14 (y) The Bureau of Automotive Repair.
- 15 (z) The State Board of Registration for Geologists and
- 16 Geophysicists.
- 17 (aa) The Respiratory Care Board of California.
- 18 (ab) The Acupuncture Board.
- 19 (ac) The Board of Psychology.
- 20 (ad) The California Board of Podiatric Medicine.
- 21 (ae) The Physical Therapy Board of California.
- 22 (af) The Arbitration Review Program.
- 23 (ag) The Committee on Dental Auxiliaries.
- 24 (ah) The Hearing Aid Dispensers Bureau.
- 25 (ai) The Physician Assistant Committee.
- 26 (aj) The Speech-Language Pathology and Audiology Board.
- 27 (ak) The California Board of Occupational Therapy.
- 28 (al) The Osteopathic Medical Board of California.
- 29 (am) The Bureau of Naturopathic Medicine.
- 30 *(an) The State Board of Chiropractic Examiners. This*
- 31 *subdivision shall be operative only if the amendments to the*
- 32 *Chiropractic Act proposed by Assembly Bill 163 of the 2007–08*
- 33 *Regular Session are approved by the voters at the June 3, 2008,*
- 34 *primary election and become effective on that date.*
- 35 ~~(an)~~
- 36 (ao) Any other boards, offices, or officers subject to its
- 37 jurisdiction by law.
- 38 *SEC. 2.5. Section 101 of the Business and Professions Code*
- 39 *is amended to read:*
- 40 101. The department is comprised of:

- 1 (a) The Dental Board of California.
- 2 (b) The Medical Board of California.
- 3 (c) The State Board of Optometry.
- 4 (d) The California State Board of Pharmacy.
- 5 (e) The Veterinary Medical Board.
- 6 (f) The California Board of Accountancy.
- 7 (g) The California Architects Board.
- 8 (h) The Bureau of Barbering and Cosmetology.
- 9 (i) The Board for Professional Engineers and Land Surveyors.
- 10 (j) The Contractors' State License Board.
- 11 (k) The Bureau for Private Postsecondary and Vocational
- 12 Education.
- 13 (l) The Structural Pest Control Board.
- 14 (m) The Bureau of Home Furnishings and Thermal Insulation.
- 15 (n) The Board of Registered Nursing.
- 16 (o) The Board of Behavioral Sciences.
- 17 (p) The State Athletic Commission.
- 18 (q) The Cemetery and Funeral Bureau.
- 19 (r) The State Board of Guide Dogs for the Blind.
- 20 (s) The Bureau of Security and Investigative Services.
- 21 (t) The Court Reporters Board of California.
- 22 (u) The Board of Vocational Nursing and Psychiatric
- 23 Technicians.
- 24 (v) The Landscape Architects Technical Committee.
- 25 (w) The Bureau of Electronic and Appliance Repair.
- 26 (x) The Division of Investigation.
- 27 (y) The Bureau of Automotive Repair.
- 28 (z) The State Board of Registration for Geologists and
- 29 Geophysicists.
- 30 (aa) The Respiratory Care Board of California.
- 31 (ab) The Acupuncture Board.
- 32 (ac) The Board of Psychology.
- 33 (ad) The California Board of Podiatric Medicine.
- 34 (ae) The Physical Therapy Board of California.
- 35 (af) The Arbitration Review Program.
- 36 (ag) ~~The Committee on Dental Auxiliaries~~ *Dental Hygiene*
- 37 *Committee of California.*
- 38 (ah) The Hearing Aid Dispensers Bureau.
- 39 (ai) The Physician Assistant Committee.
- 40 (aj) The Speech-Language Pathology and Audiology Board.

1 (ak) The California Board of Occupational Therapy.
2 (al) The Osteopathic Medical Board of California.
3 (am) The Bureau of Naturopathic Medicine.
4 (an) *The State Board of Chiropractic Examiners. This*
5 *subdivision shall be operative only if the amendments to the*
6 *Chiropractic Act proposed by Assembly Bill 163 of the 2007–08*
7 *Regular Session are approved by the voters at the June 3, 2008,*
8 *primary election and become effective on that date.*

9 (~~an~~)

10 (ao) Any other boards, offices, or officers subject to its
11 jurisdiction by law.

12 SEC. 3. *Section 313.1 of the Business and Professions Code*
13 *is amended to read:*

14 313.1. (a) Notwithstanding any other provision of law to the
15 contrary, no rule or regulation, except those relating to
16 examinations and qualifications for licensure, and no fee change
17 proposed or promulgated by any of the boards, commissions, or
18 committees within the department, shall take effect pending
19 compliance with this section.

20 (b) The director shall be formally notified of and shall be
21 provided a full opportunity to review, in accordance with the
22 requirements of Article 5 (commencing with Section 11346) of
23 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
24 Code, and this section, all of the following:

25 (1) All notices of proposed action, any modifications and
26 supplements thereto, and the text of proposed regulations.

27 (2) Any notices of sufficiently related changes to regulations
28 previously noticed to the public, and the text of proposed
29 regulations showing modifications to the text.

30 (3) Final rulemaking records.

31 (c) The submission of all notices and final rulemaking records
32 to the director and the completion of the director's review, as
33 authorized by this section, shall be a precondition to the filing of
34 any rule or regulation with the Office of Administrative Law. The
35 Office of Administrative Law shall have no jurisdiction to review
36 a rule or regulation subject to this section until after the completion
37 of the director's review and only then if the director has not
38 disapproved it. The filing of any document with the Office of
39 Administrative Law shall be accompanied by a certification that

1 the board, commission, or committee has complied with the
2 requirements of this section.

3 (d) Following the receipt of any final rulemaking record subject
4 to subdivision (a), the director shall have the authority for a period
5 of 30 days to disapprove a proposed rule or regulation on the
6 ground that it is injurious to the public health, safety, or welfare.

7 (e) Final rulemaking records shall be filed with the director
8 within the one-year notice period specified in Section 11346.4 of
9 the Government Code. If necessary for compliance with this
10 section, the one-year notice period may be extended, as specified
11 by this subdivision.

12 (1) In the event that the one-year notice period lapses during
13 the director's 30-day review period, or within 60 days following
14 the notice of the director's disapproval, it may be extended for a
15 maximum of 90 days.

16 (2) If the director approves the final rulemaking record or
17 declines to take action on it within 30 days, the board, commission,
18 or committee shall have five days from the receipt of the record
19 from the director within which to file it with the Office of
20 Administrative Law.

21 (3) If the director disapproves a rule or regulation, it shall have
22 no force or effect unless, within 60 days of the notice of
23 disapproval, (A) the disapproval is overridden by a unanimous
24 vote of the members of the board, commission, or committee, and
25 (B) the board, commission, or committee files the final rulemaking
26 record with the Office of Administrative Law in compliance with
27 this section and the procedures required by Chapter 3.5
28 (commencing with Section 11340) of Part 1 of Division 3 of Title
29 2 of the Government Code.

30 (f) Nothing in this section shall be construed to prohibit the
31 director from affirmatively approving a proposed rule, regulation,
32 or fee change at any time within the 30-day period after it has been
33 submitted to him or her, in which event it shall become effective
34 upon compliance with this section and the procedures required by
35 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
36 3 of Title 2 of the Government Code.

37 (g) *The director shall not have the authority pursuant to this*
38 *section to disapprove, and subdivision (d) shall not apply to, any*
39 *rule or regulation pertaining to the legal scope of professional*
40 *practice for doctors of chiropractic as specified and permitted*

1 pursuant to Section 7 of the Chiropractic Act, or any rule or
2 regulation pertaining to the current minimum educational
3 requirements as specified in Section 5 of the Chiropractic Act.

4 SEC. 4. Section 1 of the act cited in the title is amended to
5 read:

6 Section 1. A board is hereby created in the Department of
7 Consumer Affairs to be known as the "State Board of Chiropractic
8 Examiners," hereinafter referred to as the board. The board shall
9 consist of seven members. Five members shall be appointed by
10 the Governor, subject to confirmation by the Senate, one of whom
11 shall be a public member. The Senate Committee on Rules and the
12 Speaker of the Assembly shall each appoint one public member.
13 Each member shall be a citizen of the United States and shall have
14 been a resident of California for five years. ~~Two members shall~~
15 ~~be public members.~~ Each licensee member shall have had at least
16 five years of licensure in this state prior to appointment. Each
17 licensee member ~~must~~ shall have pursued a resident course in an
18 approved chiropractic school or college, and ~~must~~ shall be a
19 graduate thereof and hold a diploma therefrom.

20 Not more than two persons shall serve simultaneously as
21 members of ~~said~~ the board, whose first diplomas were issued by
22 the same school or college of chiropractic, nor shall more than two
23 members be residents of any one county of the state. And no person
24 who is or within one year of the proposed appointment has been
25 an administrator, policy board member, or paid employee of any
26 chiropractic school or college shall be eligible for appointment to
27 the board. Each member of the board shall receive a per diem in
28 the amount provided in Section 103 of the Business and Professions
29 Code for each day during which he or she is actually engaged in
30 the discharge of his or her duties, together with his or her actual
31 and necessary travel expenses incurred in connection with the
32 performance of the duties of his or her office, ~~such and the~~ per
33 diem, travel expenses and other incidental expenses of the board
34 or of its members shall be paid out of the funds of the board
35 hereinafter defined and not from the state's taxes.

36 The Legislature may, upon review, repeal this section and
37 reconstitute the board.

38 SEC. 5. Section 1.5 is added to the act cited in the title, to read:

39 Sec. 1.5. Protection of the public shall be the highest priority
40 for the board in exercising its licensing, regulatory, and disciplinary

1 functions. Whenever the protection of the public is inconsistent
2 with the other interests sought to be promoted, the protection of
3 the public shall be paramount.

4 *SEC. 6. Section 2 of the act cited in the title is amended to*
5 *read:*

6 *Sec. 2. The Governor shall appoint the members of the board.*
7 *Each appointment to the board shall be for the term of four years,*
8 *except that an appointment to fill a vacancy shall be for the*
9 *unexpired term only. Each member shall serve until his or her*
10 *successor has been appointed and qualified or until one year has*
11 *elapsed since the expiration of his or her term whichever first*
12 *occurs. No person shall serve more than two consecutive terms on*
13 *the board nor be eligible for appointment thereafter until the*
14 *expiration of four years from the expiration of the second*
15 *consecutive term, effective January 2, 1974. The Governor may*
16 *remove a member from the board after receiving sufficient proof*
17 *of the inability or misconduct of said the member.*

18 *SEC. 7. Section 3 of the act cited in the title is amended to*
19 *read:*

20 *Sec. 3. The board shall elect a chairman and a vice chairman*
21 *and a secretary to be chosen from the members of the board. The*
22 *board shall employ appoint a person exempt from civil service, by*
23 *and with the approval of the Director of Consumer Affairs, to be*
24 *designated as an executive officer and fix his salary with the*
25 *approval of the Director of Finance. Elections of the officers shall*
26 *occur annually at the January meeting of the board. A majority of*
27 *the board shall constitute a quorum.*

28 *It shall require the affirmative vote of four members of said the*
29 *board to carry any motion or resolution, to adopt any rule, or to*
30 *authorize the issuance of any license provided for in this act. The*
31 *executive officer shall receive a salary to be fixed by the board,*
32 *with the approval of the Director of Finance, together with his or*
33 *her actual and necessary traveling expenses incurred in connection*
34 *with the performance of the duties of his or her office, and shall*
35 *give bond to the state in such a sum and with such sureties as the*
36 *board may deem proper. He or she shall keep a record of the*
37 *proceedings of the board, which shall at times during business*
38 *hours be open to the public for inspection. He or she shall keep a*
39 *true and accurate account of all funds received and of all*
40 *expenditures incurred or authorized by the board, and on the first*

1 day of December of each year he *or she* shall file with the Governor
2 or his *or her* designee, a report of all receipts and disbursements
3 and of the proceedings of the board for the preceding fiscal year.

4 *SEC. 8. Section 4 of the act cited in the title is amended to*
5 *read:*

6 Sec. 4. Powers of the board. The board shall have power:

7 (a) To adopt a seal, which shall be affixed to all licenses issued
8 by the board.

9 (b) To adopt from time to time ~~such~~ rules and regulations as the
10 board may deem proper and necessary for the performance of its
11 work, the effective enforcement and administration of this act, the
12 establishment of educational requirements for license renewal, and
13 the protection of the public. ~~Such~~ *These* rules and regulations shall
14 be adopted, amended, repealed and established in accordance with
15 the provisions of Chapter ~~4.5~~ 3.5 (commencing with Section ~~11371~~
16 *11340*) of Part 1 of Division 3 of Title 2 of the Government Code
17 as it now reads or as it may be hereafter amended by the
18 Legislature.

19 (c) To examine applicants and to issue and revoke licenses to
20 practice chiropractic, as ~~herein~~ provided *in this act*.

21 (d) To summon witnesses and to take testimony as to matters
22 pertaining to its duties; and each member shall have power to
23 administer oaths and take affidavits.

24 (e) To do any and all things necessary or incidental to the
25 exercise of the powers and duties ~~herein~~ granted or imposed *by*
26 *this act*.

27 (f) To determine minimum requirements for teachers in
28 chiropractic schools and colleges.

29 (g) To approve chiropractic schools and colleges whose
30 graduates may apply for licenses in this state. The following shall
31 be eligible for approval:

32 (1) Any chiropractic school or college having status with the
33 accrediting agency and meeting the requirements of Section 5 of
34 this act and the rules and regulations adopted by the board.

35 (2) Any chiropractic school or college initially commencing
36 instruction prior to the effective date of the amendments to this
37 section approved by the electors at the November, 1976, general
38 election, provided ~~such that the~~ school or college meets the
39 requirements of Section 5 of this act and the rules and regulations
40 adopted by the board and provided ~~such that the~~ school or college

1 attains status with the accrediting agency within a time period
2 commencing on the effective date of this provision and ending
3 March 1, 1980.

4 (3) Any chiropractic school or college initially commencing
5 instruction subsequent to the effective date of the amendments to
6 this section approved by the electors at the November, 1976,
7 general election, provided ~~such that the~~ school or college meets
8 the requirements of Section 5 of this act and the rules and
9 regulations adopted by the board and provided ~~such that the~~ school
10 or college attains status with the accrediting agency within a time
11 period not exceeding three years following ~~such the~~ commencement
12 of instruction.

13 Upon submission of evidence satisfactory to the board that the
14 accrediting agency has unreasonably denied status to a chiropractic
15 school or college approved under paragraph (2) or (3) of this
16 subdivision by not considering the application for status submitted
17 by that school or college in a timely manner, by denying the
18 application for status submitted by that school or college without
19 good cause, or by imposing arbitrary and capricious additional
20 requirements upon that school or college as conditions for the
21 attainment of status, the board shall grant an extension of the time
22 period for the attainment of status specified in the paragraph under
23 which that school or college is approved, as it applies to that school
24 or college, of at least six months but no more than one year. Prior
25 to the expiration of ~~such the~~ extension or of any additional
26 extension the board grants, the board shall determine whether that
27 school or college has been unreasonably denied status by the
28 accrediting agency for any of the reasons specified in the
29 immediately preceding sentence during the extension. Should the
30 board determine ~~such that~~ unreasonable denial of status during the
31 extension has occurred, the board shall grant an additional
32 extension of the time period for the attainment of status, as it
33 applies to that school or college, of at least six months but no more
34 than one year.

35 As used in this section, "accrediting agency" means (1) the
36 Accrediting Commission of the Council on Chiropractic Education,
37 other chiropractic school and college accrediting agencies as may
38 be recognized by the United States Commissioner of Education,
39 or chiropractic school and college accrediting agencies employing
40 equivalent standards for accreditation as determined by the board,

1 (2) in the event ~~such that the~~ commission ceases to exist or ceases
2 to be recognized by ~~such the~~ commissioner, a chiropractic school
3 and college accrediting agency as may be designated by the board
4 or chiropractic school and college accrediting agencies employing
5 equivalent standards for accreditation as determined by the board,
6 or (3) in the event ~~such that the~~ commission ceases to exist or
7 ceases to be recognized by ~~such the~~ commissioner, no other ~~such~~
8 accrediting agency is recognized by ~~such the~~ commissioner, and
9 no ~~such~~ accrediting agency is acceptable to the board, the board.

10 As used in this section, “status” means correspondent status,
11 status as a recognized candidate for accreditation, accredited status,
12 or other similar status as may be adopted and used by the
13 accrediting agency.

14 As used in this section, “in a timely manner” means within the
15 time deadlines as may be established by the accrediting agency
16 for submission of applications, consideration of applications
17 submitted, acceptance or rejection of applications submitted, and
18 other similar functions, as those time deadlines are interpreted by
19 the board.

20 As used in this section, “without good cause” means not in
21 accordance with rules and regulations that may be established by
22 the accrediting agency as conditions for the attainment of status,
23 as those rules and regulations are interpreted by the board.

24 As used in this section, “arbitrary and capricious additional
25 requirements” means requirements ~~which that~~ may be imposed by
26 the accrediting agency as conditions for the attainment of status
27 during the time period specified for the attainment of status by a
28 chiropractic school or college that, in the board’s judgement, cannot
29 be satisfied within ~~such the~~ time period or do not serve to improve
30 the educational standards or quality of ~~such the~~ school or college.

31 (h) The board may employ ~~such any~~ investigators, clerical
32 assistants, commissioners on examination, and other employees
33 as it may deem necessary to carry into effect the provisions of this
34 act, and shall prescribe the duties of ~~such those~~ employees. *Persons*
35 *employed pursuant to this subdivision shall be subject to the State*
36 *Civil Service Act (Part 2 (commencing with Section 18500) of*
37 *Division 5 of Title 5 of the Government Code).*

38 SEC. 9. Section 6 of the act cited in the title is amended to
39 read:

1 Sec. 6. (a) The office of the board shall be in the City of
2 Sacramento. Suboffices may be established in Los Angeles and
3 San Francisco, and ~~such~~ any records as may be necessary may be
4 transferred temporarily to ~~such~~ the suboffices. Legal proceedings
5 against the board may be instituted in any one of the three cities.

6 (b) *All meetings of the board shall be conducted in accordance*
7 *with the provisions of the Bagley-Keene Open Meeting Act (Article*
8 *9 (commencing with Section 11120) of Chapter 1 of Part 1 of*
9 *Division 3 of Title 2 of the Government Code).*

10 ~~(b)~~

11 (c) The board shall meet as a board of examiners at least twice
12 each calendar year, at ~~such~~ times and places as may be found
13 necessary for the performance of its duties.

14 (d) *The board shall comply with the requirements of Chapter*
15 *22.5 (commencing with Section 7528) of Division 7 of Title 1 of*
16 *the Government Code and with the provisions of Article 10*
17 *(commencing with Section 11364) of Chapter 3.5 of Part 1 of*
18 *Division 3 of Title 2 of the Government Code.*

19 ~~(e)~~

20 (e) Examinations shall be written, oral, and practical, covering
21 chiropractic as taught in chiropractic schools or colleges, designed
22 to ascertain the fitness of the applicant to practice chiropractic.
23 ~~Said~~The examination shall include at least each of the subjects as
24 set forth in Section 5 ~~hereof~~ of this act. Identity of the applicants
25 shall not be disclosed to the examiners until after examinations
26 have been given final grades. A license shall be granted to any
27 applicant who ~~shall make~~ makes a general average of 75 percent,
28 and ~~does~~ not fall below 60 percent in more than two subjects or
29 branches of the examination and ~~receive~~ receives a 75 percent
30 score in all parts of the practical examination as designated by the
31 board. Any applicant failing to make the required grade shall be
32 given credit for the branches passed, and may, without further cost,
33 take the examination at the next regular examination on the subjects
34 in which he or she failed. For each year of actual practice since
35 graduation the applicant shall be given a credit of 1 percent on the
36 general average.

37 ~~(d)~~

38 (f) An applicant having fulfilled the requirements of Section 5
39 and paid the fee thereunder, and having obtained a diplomate
40 certificate from the National Board of Chiropractic Examiners,

1 may offer ~~such~~ *the* certificate together with a transcript of grades
2 secured in ~~said~~ *the* national board examination, and the California
3 Board of Chiropractic Examiners may accept ~~same~~ *those* in lieu
4 of all or a portion of the California board examination, as
5 determined by the board.

6 *SEC. 10. Section 6.5 is added to the act cited in the title, to*
7 *read:*

8 Sec. 6.5. The employment of legal counsel by the board is
9 subject to the requirements of Section 11040 of the Government
10 Code.

11 *SEC. 11. Section 8 of the act cited in this title is amended to*
12 *read:*

13 Sec. 8. No ~~blind~~ person shall be denied admission into any
14 college or school of chiropractic or denied the right to take any
15 examination given by such school or college or denied a diploma
16 or certificate of graduation or a degree or denied admission into
17 any examination for a state license or denied a regular license to
18 practice chiropractic ~~on the ground that he or she is blind because~~
19 *of a disability, as defined by the Americans with Disability Act of*
20 *1990 (42 U.S.C. Sec. 12101, et seq.).*

21 *SEC. 12. Section 14 of the act cited in the title is amended to*
22 *read:*

23 Sec. 14. The executive officer shall at the end of each month
24 report to the State Controller the total amount of money received
25 by the board from all sources, and shall deposit with the ~~State~~
26 Treasurer the entire amount of ~~such~~ *those* receipts, and the ~~State~~
27 Treasurer shall place the money so received in a special fund, to
28 be known as the "State Board of Chiropractic Examiners' Fund".
29 ~~Such Moneys in the fund shall be expended in accordance with~~
30 law for all necessary and proper expenses in carrying out the
31 provisions of this act, upon proper claims approved by ~~said~~ *the*
32 board or a finance committee thereof. *All appropriations from the*
33 *fund shall be made by the Legislature in the annual Budget Act.*

34 *SEC. 13. Section 18.5 is added to the act cited in this title, to*
35 *read:*

36 Sec. 18.5. The provisions of any other statute of general
37 application to health care providers or health care related boards
38 within the Department of Consumer Affairs within the Business
39 and Professions Code, including, but not limited to, Sections 12.5,
40 23.9, 29.5, 30, 31, 35, 104, 114, 115, 119, 121, 121.5, 125, 125.6,

1 136, 137, 140, 141, 143, 163.5, 461, 462, 475, 480, 484, 485, 487,
2 489, 490, 490.5, 491, 494, 495, 496, 498, 499, 510, 511, 512, 701,
3 702, 703, 704, 710, 716, 730.5, 731, and 851 of, and Article 6
4 (commencing with Section 650) and Article 11 (commencing with
5 Section 800) of Chapter 1 of Division 2 of, the Business and
6 Professions Code, are applicable to persons licensed by the board
7 under this act and are applicable to the board. Additionally, any
8 provisions of the Government Code that are generally applicable
9 to state agency officials and employees are applicable to the board
10 and its staff under this act.

11 *SEC. 14. (a) In addition to the appropriation made by Item*
12 *8500-001-0152 of Section 2.00 of the Budget Act of 2007, the sum*
13 *of one million five hundred forty-two thousand dollars (\$1,542,000)*
14 *is hereby appropriated from the revenue in the State Board of*
15 *Chiropractic Examiners Fund that consists of fees paid for the*
16 *issuance and renewal of licenses, for the support of the Board of*
17 *Chiropractic Examiners.*

18 *(b) It is the intent of the Legislature, either by the Budget Act*
19 *of 2008 or by another bill, to appropriate three hundred thousand*
20 *dollars (\$300,000) from the State Board of Chiropractic*
21 *Examiner's Fund to reimburse to the Secretary of State the printing*
22 *costs incurred in placing Section 1 and Sections 4 to 13, inclusive,*
23 *of this act on the ballot at the June 3, 2008, primary election, as*
24 *described in Section 15 of this act.*

25 *SEC. 15. Section 1 and Sections 4 to 13, inclusive, of this act*
26 *shall become effective only when submitted to and if approved by*
27 *the electors pursuant to subdivision (c) of Section 10 of Article II*
28 *of the California Constitution. The Secretary of State is hereby*
29 *directed to place those provisions on the ballot of the June 3, 2008,*
30 *primary election for approval by the electors in accordance with*
31 *the applicable provisions of law.*

32 *SEC. 16. Section 2.5 of this bill incorporates amendments to*
33 *Section 101 of the Business and Professions Code proposed by*
34 *both this bill and SB 534. It shall only become operative if (1) both*
35 *bills are enacted and become effective on or before January 1,*
36 *2008, (2) each bill amends Section 101 of the Business and*
37 *Professions Code, and (3) this bill is enacted after SB 534, in which*
38 *case Section 2 of this bill shall not become operative.*

39 ~~SECTION 1. The Legislature finds and declares all of the~~
40 ~~following:~~

1 ~~(a) The State of California endeavors to meet certain goals~~
2 ~~regarding more transportation choices, reducing traffic congestion,~~
3 ~~improving air quality, conserving energy, reducing greenhouse~~
4 ~~gas emissions, improving social equity, and increasing physical~~
5 ~~activity to promote public health. Increased levels of bicycling~~
6 ~~rate by state employees and by visitors to state offices would help~~
7 ~~reach these goals.~~

8 ~~(b) The state invests approximately \$2 billion annually for~~
9 ~~design, construction, and renovation, and more than six hundred~~
10 ~~million dollars (\$600,000,000) annually for energy, water, and~~
11 ~~waste disposal at state-funded facilities.~~

12 ~~(c) The state invests an unspecified amount in funding for~~
13 ~~automobile parking for state employees and visitors.~~

14 ~~(d) An opportunity exists for the state to foster continued~~
15 ~~economic growth and provide environmental leadership by~~
16 ~~incorporating bicycle facilities into the state capital outlay and~~
17 ~~building management processes.~~

18 ~~(e) The widespread adoption of bicycle facilities principles~~
19 ~~would result in significant long-term benefits to the state's~~
20 ~~environment, including reductions in smog generation and~~
21 ~~greenhouse gas emissions, increased employee and public health,~~
22 ~~and reduced congestion.~~

23 ~~(f) It is critical that the state provide leadership to both private~~
24 ~~and public sectors to provide bicycle facilities for employees and~~
25 ~~visitors.~~

26 ~~(g) It is the policy of the state to site, design, deconstruct,~~
27 ~~construct, renovate, operate, and maintain state buildings that are~~
28 ~~models of energy efficiency, while encouraging energy-efficient~~
29 ~~travel to and from buildings, and providing healthy, productive,~~
30 ~~and comfortable indoor environments and long-term benefits to~~
31 ~~Californians.~~

32 ~~(h) It is the intent of the Legislature in enacting this act to~~
33 ~~increase the availability and usefulness of bicycle facilities in~~
34 ~~state-owned and state-leased buildings by providing safe and secure~~
35 ~~bicycle parking and storage and comfortable changing and~~
36 ~~showering areas, and to promote alternative transportation to the~~
37 ~~workplace.~~

38 ~~SEC. 2. Article 3.5 (commencing with Section 14691) is added~~
39 ~~to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government~~
40 ~~Code, to read:~~

1 Article 3.5. ~~Green and Healthy Workplace Bicycle Facilities~~
2 ~~Act of 2007~~
3

4 ~~14691. This act shall be known, and may be cited, as the Green~~
5 ~~and Healthy Workplace Bicycle Facilities Act of 2007.~~

6 ~~14692. (a) On or before July 1, 2009, the department shall~~
7 ~~adopt regulations for the construction and renovation of~~
8 ~~state-owned buildings used primarily for office functions and other~~
9 ~~state-owned buildings as deemed appropriate by the department~~
10 ~~that establish standards regarding bicycle facilities, including~~
11 ~~short-term visitor bicycle parking, long-term employee bicycle~~
12 ~~parking, showers, and clothing lockers.~~

13 ~~(b) When adopting regulations pursuant to subdivision (a), the~~
14 ~~department shall consider those aspects of existing relevant~~
15 ~~information and guidelines that maximize the utility of bicycle~~
16 ~~facilities, and shall allow for flexibility to meet the state's building~~
17 ~~standards. The existing relevant guidelines and information shall~~
18 ~~include, but are not limited to, both of the following:~~

19 ~~(1) The Sacramento Area Bicycle Advocates State Bicycle~~
20 ~~Facilities—Statewide Policies and Recommendations.~~

21 ~~(2) The Association of Pedestrian and Bicycle~~
22 ~~Professionals—Bicycle Parking Guidelines.~~

23 ~~(c) In adopting the regulations pursuant to subdivision (a), the~~
24 ~~department shall consult with the State Architect and other~~
25 ~~appropriate state agencies, the building and construction industry,~~
26 ~~recognized bicycle advocacy groups, the League of California~~
27 ~~Cities, the California State Association of Counties, other interested~~
28 ~~organizations, and the public.~~

29 ~~14692.5. (a) For an existing state-owned building without~~
30 ~~short-term visitor bicycle parking, meeting the regulations adopted~~
31 ~~pursuant to Section 14692, short-term bicycle parking meeting the~~
32 ~~regulations adopted pursuant to Section 14692 shall be added~~
33 ~~before December 31, 2009.~~

34 ~~(b) For an existing state-owned building without bicycle~~
35 ~~facilities for employees meeting the regulations adopted pursuant~~
36 ~~to Section 14692, the addition of secure long-term bicycle parking,~~
37 ~~showers, and clothing lockers shall be a priority when the building~~
38 ~~is renovated.~~

39 ~~(c) For state-leased buildings used primarily for office functions~~
40 ~~and other state-leased buildings as deemed appropriate by the~~

1 department, the state, when negotiating or renegotiating a lease,
2 shall make every effort to include provision of facilities for bicycle
3 commuters and bicycle parking for visitors.
4 ~~14693. Each state agency shall develop a program to manage~~
5 ~~its bicycle facilities so that bicycle parking and lockers are fairly~~
6 ~~assigned and access to showers is available. Facilities shall be~~
7 ~~available for workers at state buildings, whether they are state~~
8 ~~employees, contract employees, interns, or volunteers.~~
9 ~~14693.5. Each state agency shall develop a program to promote~~
10 ~~and encourage bicycle commuting and the use of bicycles for~~
11 ~~work-related trips.~~

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov



November 30, 2007

The Honorable Bill Emmerson
California State Assembly
State Capitol, Room 4158
Sacramento, California 95814

Dear Assembly Member Emmerson:

The California Board of Chiropractic Examiners (Board), would like to thank you for agreeing to work with us to address the Board's fiscal issues in order to provide continued protections for California's consumers. I would also like to advise you of the Board's progress toward addressing the concerns that were raised by the Legislature previously.

The Board took very seriously the message from both the Legislature and the Governor-- that the Board's business be conducted in the most ethical and responsible manner and that consumer protection should be paramount. We have worked closely with the Department of Consumer Affairs (Department) over the past several months to improve the functions and services of the Board and are grateful for the guidance and assistance they have provided us. We have contracted with the Department to provide the Board with legal, personnel, and fiscal services. This assistance has been invaluable to the Board both in terms of public service and effective administration.

In addition to the progress we have made as a Board, I also feel compelled to advise you of the Board's current funding situation and the impact it may have on the protection of California's consumers. The 2007-08 budget provided six months of funding. On Friday, November 30, 2007, the Department of Finance delivered a Deficiency Letter to the Legislature regarding the Board's budget. Being mindful of the Board's legal responsibility to protect California's consumers, we have initiated a series of reductions to allow us to operate as long as possible including the following:

- Instituted a hiring freeze
- Terminated all temporary personnel
- Implemented a lay-off plan to reduce the number of permanent staff from 15 down to 5 employees effective January 7, 2008.
- Reduced the Attorney General and Office of Administrative Hearing allocations by 65%.
- Terminated all reinstatement hearings through June 30, 2008

While we have tried to stretch our budget as far as possible and the Department has provided us with a great deal of administrative assistance; I feel compelled to advise you that the Board can not continue to meet its statutory responsibilities without additional funding and the protection of the public could be at risk.

Given our limited budget, we are unable to adequately fulfill the following essential functions:

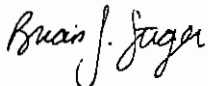
- Conducting complaint investigations
- Initiating disciplinary actions through the Attorney General's Office

- Monitoring licensees on probation
- Processing licenses in a timely fashion

The Board is officially funded through January, 2008. Allowing for the administrative reductions we have implemented, and provided that the deficiency funding is approved, we can operate on a very limited capacity until June 30, 2008. Without an approved deficiency, we can operate at a minimal level only until April 30, 2008. In order for the Board to provide all of the statutory consumer protections, the deficiency and additional funding would be necessary. The Board welcomes the opportunity to work with you and the Legislature to address these funding problems in your bill.

I would be happy to meet with you or your staff to answer any questions that you may have. It is my sincere hope that together we will be able to overcome whatever obstacles have been encountered in the past to ensure that the laws protecting consumers are enforced and that individuals who have worked so hard to become Doctors of Chiropractic will continue to be licensed by the State of California.

Sincerely,



Brian Stiger
Executive Officer

cc: Senator Tom Torlakson, Chair
Senate Appropriations Committee
Senator Dave Cox, Vice-Chair
Senate Appropriations Committee
Assembly Member Mark Leno, Chair
Assembly Appropriations Committee
Assembly Member Mimi Waters, Vice-Chair
Assembly Appropriations Committee
Senator Mark Ridley-Thomas, Chair
Senate Business & Professions Committee
Assembly Member Mike Eng, Chair
Assembly Business & Professions Committee
Richard Tyler, D.C., Board Chair
California Board of Chiropractic Examiners
Members, Board of Chiropractic Examiners
Chris Kahn, Legislative Affairs Secretary
Office of the Governor
Ana Matosantos, Deputy Legislative Affairs Secretary
Office of the Governor

Appropriation Bill Language

Protection of the public shall be the highest priority for the State Board of Chiropractic Examiners in exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

In addition to the appropriation made by Item 8500-001-0152 of Section 2.00 of the Budget Act of 2007, the sum of \$539,000 is hereby appropriated from the State Board of Chiropractic Examiners fund that consists of fees paid for the issuance and renewal of licenses, for the support of the State Board of Chiropractic Examiners.

This act is an urgency statute necessary for the immediate preservation of the public health and safety and shall go into immediate effect.