

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

**NOTICE OF PUBLIC MEETING****Continuing Education Committee****November 20, 2008****9:30 a.m.****The Westin Los Angeles Airport
5400 West Century Blvd., Room 336
Los Angeles, CA 90045****AGENDA****CALL TO ORDER****Approval of Minutes**

- September 24, 2008

Discussion and Possible Action

- Update on the Draft Proposal to Amend the Continuing Education Regulations

Public Comment**Future Agenda Items****ADJOURNMENT****CONTINUING EDUCATION COMMITTEE**

Richard Tyler, D.C., Chair
Hugh Lubkin, D.C.

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee 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 person with physical disabilities. 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
MEETING MINUTES****Continuing Education Committee****September 24, 2008****State Capitol****Assembly Room 126****Sacramento, CA 95814****Committee Members**

Richard Tyler, D.C., Chair
Hugh Lubkin, D.C.

Staff Present

Brian Stiger, Executive Officer
LaVonne Powell, Senior Staff Counsel
April Alameda, Associate Analyst
Genie Mitsuvara, Staff Services Analyst

Call to Order

Dr. Tyler called the meeting to order 8:37 a.m.

Roll Call

Dr. Lubkin called the roll. All committee members were present.

Approval of Minutes

September 4, 2008

**DR. LUBKIN MOVED TO APPROVE THE SEPTEMBER 4, 2008, MINUTES; DR. TYLER
SECONDED THE MOTION; VOTE 2-0; MOTION CARRIED.**

Update on the Draft Proposal to Amend the Continuing Education Regulations

Dr. Tyler thanked Mr. Stiger and the workgroup for the wonderful work the group completed on this project.

Dr. Tyler stated that the increase of 24 hours is an excellent idea, but he would like to spend more time studying the complete package.

Mr. Stiger stated that the "product" which is before the CE committee members, "proposed regulatory language for continuing education", started in April 2008. The committee members recognized that they could not just change the hours; they would have to go back and do a comprehensive review of the regulations.

Mr. Stiger put together a very diverse working group and they are: Eric Banta, from International Chiropractors Association of California; Carlyle Brakensiek, from California Society of Industrial & Surgery; Melea Fields from Southern California University of Health Sciences, Dr. Kendra Holloway, from Life West; Dr. Sherry McAllister; from Palmer West; Dr. Mitchell Peritz, Dr. Lou Ringler from Innercalm Associates; Dr. William Updyke from California Chiropractor's Association; Dr. J. Ray Welch, Dr. Linda Shanks, and also staff members, April Alameda, Genie Mitsuhara, John Melendez and LaVonne Powell.

Mr. Stiger stated that he understood that the CE committee was interested in increasing the required hours, include mandatory courses and a balance of elected courses, online courses, and reviewing the 50 minute hour. These were the guidelines the workgroup used as a basis.

Mr. Stiger stated that the workgroup reviewed every regulation that has the term CE hours and that the workgroup was not satisfied with the proposal as it is currently written. This workgroup is willing to continue to work on this effort if it's the will of the CE committee to do so.

Dr. Tyler agreed that the following topics should not be approved for CE credit: those that only benefit the licensee, financial management, income generated, billing, collections, self- motivation, practice building and patient recruitment.

Dr. Lubkin stated continuing education is a privilege and we need to make sure that people who are providing the courses are focused on what the Board wants for continuing education which is to promote high quality practitioners with good diagnostic skills for the protection of public.

Dr. Tyler and Dr. Lubkin expressed their concerns and views regarding the current proposals and would like to join the workgroup at their next meeting to discuss the changes and to come up with a finalized version

Process to Review and Approve Continuing Education Courses

Mr. Stiger stated the revise document within the handout, clarifies those areas where we are unsure of in regard to course content and that we are going to use our trained subject matter experts to provide assistance on approving those courses.

Open to Public Comment:

Mr. Howe, California Chiropractic Association, commends and applauds the working group, this committee, for the brain power, time, and expense they have brought to the process. CCA has concerns about physical therapy and billing.

Dr. Charles Davis, President, International Chiropractors Association of California, stated just a precautionary comment; lets not get into micro-managing everything, it intends to be restrictive. This will become the most micro-managed regulations of any type of Chiropractic Board in the country.

ADJOURNMENT

Dr. Tyler adjourned the meeting at 10:00 a.m.

Proposed Regulatory Language

Revised November 17, 2008

California Code of Regulations, Title 16, Division 4, Article 6

Article 6. Continuing Education

§355. Renewal and Restoration.

(a) Commencing with the renewal period for 1973, each licensee and each applicant for restoration of a license forfeited for failure to renew shall, as a condition to renewal or restoration of his license and in addition to paying the annual renewal fee of one hundred fifty dollars (\$150.00) or restoration fee of double the annual renewal fee as provided by section 12 of the Act (California Business and Professions Code section 1000-12), submit proof that he has completed within the past 12 months a course of continuing education approved by the board on a form (No. 09RA-1 (8/91) provided by the board titled Renewal Application. The Renewal Application as provided by the board will indicate the current year of renewal. The doctor of chiropractic is issued an annual license which expires at midnight, on the last day of the licensee's birth month. A licensee may not engage in the practice of chiropractic within the State of California, without an active valid license. The licensee shall submit, prior to the annual expiration of their license, on a properly completed and signed Renewal Application form provided by the Board, including the payment of the annual renewal fee of one hundred and fifty dollars (\$150.00). In addition, the licensee must attest under penalty of perjury, within the renewal form, that they have completed all of the continuing education requirements specified in CCR.356 within the past twelve (12) months prior to the expiration of their license.

(b) In lieu of submitting the proof of completion of continuing education required under subsection (a) above, any such licensee or applicant may submit a statement, which shall be verified or certified under penalty of perjury, that he or she will not engage in the practice of Chiropractic within the State of California during the period for which renewal or restoration is sought unless he or she first completes an approved course of continuing education and submits proof thereof to the board; and that he or she understands that failure to do so will constitute grounds for the suspension or revocation of his or her license. A license that has expired for failure to renew may be renewed at any time within three years after the expiration date. If no application is received within three years, the Board shall cancel the license. A licensee may request that their license be placed on "inactive status." No person may engage in any aspect of the practice of chiropractic in California without an active and valid license issued by the California Board of Chiropractic Examiners. A licensed chiropractor may apply to the Board to request that their license be restored from an inactive status to active status. An inactive license shall be renewed during the same time period at which that licensee's prior active license would have renewed. The renewal fee, for a license in an inactive status, shall be the same fee assessed for renewal of an active license. Licensees holding an

inactive license may either continue to complete their continuing education requirements or they may postpone completion of their continuing education requirements until such time that they desire to reinstate their license. The licensee is responsible for the annual continuing education hours for every year, or portion thereof, that their license was inactive.

(c) To restore a cancelled license, the person must submit to the Board's office, in compliance with the application instructions, an application for restoration, pay a fee of twice the annual amount of the renewal fee, and provide evidence of Board-approved continuing education, as specified in California Code of Regulations, section 356, for each 12-month period in which the license was cancelled. Continuing education required to restore a cancelled licensed must be commenced and completed during the 12-month period immediately preceding the request for restoration. Any license that is not renewed within sixty (60) days of its expiration date shall become classified as forfeited. A forfeited license may be renewed, at any time, within three (3) years after the initial expiration date for that licensee when it was last active. To restore a forfeited license, the licensee shall submit an application on a form provided by the Board titled "Restoration of Application." The applicant requesting restoration of their license shall meet any of the requirements listed in items 1-3 here-in-below: (1) documentation that they have completed all continuing education requirements specified in CCR section 356, for each year that the license was forfeited, (2) show proof to the satisfaction of the Board that they have been practicing as a duly licensed chiropractic doctor in another state and has met all of the continuing education requirements of that state, (3) has passed the National Board of Chiropractic Examiners (NBCE) SPEC examination within six (6) months prior to application to restore their forfeited license. In addition to establishing satisfaction of one of the above requirements, they must also submit with their application to restore their license (4) payment of a fee that shall be twice the current annual renewal fee established for the year that they are applying for restoration of their forfeited license.

(d) Licenses for doctors of chiropractic which heretofore expired on the last day of December each year will henceforth expire on the last day of the birth month of the licensee in each year.

To facilitate the conversion to the birthdate renewal system for doctors of chiropractic, licenses that expire on December 31, 1991 will be renewed for periods from seven (7) to eighteen (18) months. The fee to be paid shall be that determined by multiplying 1/12 of the renewal fee by the number of months of licensure in accord with the following schedule. All fees shall be rounded to the nearest whole dollar.

<u>Licensees Born In</u>	<u>Will Be Licensed for The Period</u>	<u>Months of Licensure</u>
January	January 92-January 93	13
February	January 92-February 93	14
March	January 92-March 93	15
April	January 92-April 93	16
May	January 92-May 93	17
June	January 92-June 93	18
July	January 92-July 92	7
August	January 92-August 92	8
September	January 92-September 92	9

October	January 92-October 92	40
November	January 92-November 92	44
December	January 92-December 92	42

~~This will be a one time reduction or increase, effective January 1992 all licenses will be annually renewed on a birthdate renewal system. This subsection shall remain in effect until June 30, 1993, and on such date is repealed. — A license that has been forfeited and is not renewed within three (3) years of its expiration date shall be classified as cancelled. To restore a cancelled license, the licensee shall submit an application on a form provided by the Board titled "Application for Restoration After Cancellation", and shall provide evidence that they have completed one of the three requirements listed here-in-below: 1) documentation that they have completed the continuing education requirements set forth in CCR section 356 for each year that the license was cancelled, 2) show proof to the satisfaction of the Board that they have been practicing as a duly licensed chiropractic doctor in another state and has met all of the continuing education requirements of that state, (3) has passed the NBCE SPEC examination within six (6) months prior to application to restore their forfeited license. In addition to establishing satisfaction of one of the above requirements, they must also submit, with their application to restore their cancelled license, (4) a fee that shall be twice the current annual licensing fee established for the year that they are applying for reinstatement of their forfeited license, and they shall also meet required to, 5) submit their fingerprints obtained within sixty (60) days of the filing of their application.~~

§355.1. Continued Jurisdiction of a License.

~~The suspension, expiration, cancellation or forfeiture by operation of law of a any chiropractic license issued by the bBoard as stated in CCR 355, or its the suspension, or forfeiture of any chiropractic license, by 1) order of the board, 2) or by order of any court of law of competent jurisdiction, 3) by order of any Administrative Hearing Order from a Regulatory Board or Bureau, or 4) it's the surrender of any previously issued license to practice chiropractic without the written pre-consent of the bBoard shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive or limit the bBoard of its their authority to institute any investigation within the scope and authority of the Board, or deprive or limit the Board to institute or continue a any existing disciplinary proceeding against the any past or current licensee. upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground. Further, the Board, within the scope of law, shall not be deprived or limited in any manner to enter an order or issue an order suspending or revoking the licensee's license to practice chiropractic in the State of California, and nothing shall deprive or limit the Board in any manner to otherwise initiate or continue any already started disciplinary action(s) or for the Board to initiate any inquiry or investigation against the licensee for any reason(s) including the suspicion of any violation that involves public safety, consumer protection, or to investigate or act in any actual or suspected violation related to any federal or state law(s) or the actual or suspected violation of any regulation related to the practice of Chiropractic in the State of California.~~

§355.2. Inactive License.

~~A licensed chiropractor may apply to the board to request that his or her license be placed on inactive status. An inactive license shall be renewed during the same time~~

period at which an active license is renewed. The renewal fee for a license in an inactive status shall be the same fee assessed for renewal of an active license. Licensees holding an inactive license shall be exempt from continuing education requirements.

The holder of an inactive license shall not engage in the practice of chiropractic during the time the license is inactive.

Licensees on inactive status who have not committed any acts or crimes constituting grounds for discipline may submit a written request for an active license and the following:

(a) Evidence of board approved continuing education for each 12-month period or portion thereof the license was inactive. The continuing education must be taken prior to the request for activation and shall comply with California Code of Regulations section 356; or

(b) If practicing in another state, provide proof of licensure and continuing education from that state for each 12-month period the license was inactive in California.

§356. Course Content. Licensee Continuing Education Requirements

(a) All doctors engaged in active practice, whether on a full time or part time basis, shall complete a minimum of twelve (12) hours per licensing year of continuing education courses approved by the board.

The board shall consider for approval the application of any continuing education course which conforms to the criteria below and is sponsored by a board approved continuing education provider.

A continuing education course may contain more than twelve (12) hours of approved subject material. Any twelve (12) approved hours may be selected for continuing education credit, provided, however, the same course may not be attended more than once for credit within that licensing year, and four (4) hours of every twelve (12) hours selected for continuing education credit must be in the subject area of adjustive technique. The four (4) hours in adjustive technique may be satisfied by lecture and demonstration.

The basic objectives and goals of continuing education are the growth, maintenance of knowledge and competency, the cultivation of skills, and greater understanding, with a continual striving for excellence in chiropractic care and the improvement in the health and welfare of the public.

(b) Each course approved by the board must present subject material directly related to the concepts of chiropractic principles and practice including diagnostic procedures, patient care and management. The board recommends special attention be given to the following:

—(1) Principles of practice of chiropractic and office procedures including, but not limited to:

(A) Chiropractic treatment and adjustment technique, including physiotherapy, nutrition and dietetics;

(B) Examination and diagnosis or analysis including physical, laboratory, orthopedic, neurological and differential;

(2) Radiographic technique and interpretation involving all phases of roentgenology as permitted by law;

(A) Study of the methods employed in the prevention of excessive radiation and safety precautions to the patient;

(3) Postgraduate studies including, but not limited to, subjects contained within groups one through six of Section 5 of the Chiropractic Initiative Act;

~~(4) Insurance procedures and reporting.~~

The Board's interest and intent in requiring Board approved continuing education courses is directed to promote public safety and consumer protection by enhancing the technical skills and academic knowledge of licensees which is consistent with the Board's goals of providing high quality education and training for Chiropractic Licensees within the State of California.

Continuing Education courses are mandatory for all licensees to maintain an active chiropractic license. Failure to maintain all of the required Board approved continuing education hours will prevent reissuance of an active license to practice chiropractic in the State of California.

To meet the annual relicensing requirements to maintain an active valid license to practice chiropractic within the State of California each licensee shall complete an annual minimum of twenty-four (24) hours of Board approved continuing education hours during the year preceding their relicensure. These hours are divided into three general categories: Mandatory, Category I and Category II.

A maximum of twelve (12) hours, of the required 24 hours of continuing education courses, may be completed through "distance learning" or internet courses, provided that those courses meet all of the requirements set forth within CCR 359.

MANDATORY:

The Board shall require a minimum of four (4) hours of instruction in obtaining and recording a physical examination in musculoskeletal, orthopedic, neurological and general diagnosis including the evaluation and interpretation, for diagnostic and differential diagnosis purposes, of disorders or diseases which are not inconsistent with the provisions of CCR §302.

The remaining twenty (20) hours shall be divided equally, with ten (10) hours each in of the two categories listed hereinbelow:

CATEGORY I:

Each licensee shall complete a minimum of ten (10) hours of their total twenty-four (24) hours of annual relicensing continuing education credits in any of the following courses or subject matter:

- (1) Chiropractic adjustive technique or chiropractic manipulation techniques.
- (2) Taking and recording an accurate and detailed patient history
- (3) Procedures and techniques related to differential diagnosis; including diagnostic testing: clinical chemistry and related laboratory analysis; diagnostic x-ray; MRI; PET Scan; Bone Scan; CT Scan; and any other advanced imaging studies or procedures;
- (4) Pain management including current trends in treatment and instruction in the physiology and anatomy of acute, sub-acute and chronic pain;
- (5) Pharmacology, including side effects, drug interactions and pharmacological dynamics of various commonly prescribed and over-the-counter drugs;
- (6) Physiotherapy techniques, including the theory of and application of physiotherapies, including but not limited to: ultrasound; therapeutic laser, electric stimulation modalities; heat and cold, short wave diathermy; myofascial release;

massage therapies; and instruction in the physiology of and appropriate use for physiotherapy which promote healing of injured tissues or assists with the reduction or elimination of acute, sub-acute or chronic musculoskeletal pain;

CATEGORY II:

The remaining ten (10) hours of the mandatory twenty-four (24) annual continuing education hours, are related to administrative aspects, billing, ethics and boundaries or mandatory reporting requirements or instruction outside of traditional chiropractic college courses, to promote the licensees understanding of a wide variety of subject matter related to having a better understanding of the human body and a wide variety of subject matter, Practice of Chiropractic, Laws, Rules and Regulations related to the practice of chiropractic, and allowing chiropractic doctors to learn about other allied health professions and their approaches and philosophies related to Diagnosis, Differential Diagnosis and treatment(s).

These elective courses may include:

(1) Providers that are approved by the California Department of Industrial Relations, Division of Workers Compensation; or

(2) Healing Arts Boards or Bureaus within Division 2 of the Business and Professions Code; or approved by any organization authorized to approve continuing education by any Healing Arts Board or Bureau in Division 2 of the Business and Professions Code.

(3) Instruction in proper and ethical billing and coding, including accurate and effective record keeping and documentation of treatment, evaluation and progress of their patient.

(4) Truth in advertising.

(5) Ethics and law: including professional boundaries, mandatory reporting requirements for child abuse/neglect, elder abuse/neglect, spousal abuse/neglect; review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California

(6) Adverse event avoidance, including reduction of potential malpractice issues.

(7) Attendance of a full day of a State Board Meeting which includes the scheduled hearing of case's related to petitioners seeking reinstatement of revoked licenses or early termination of probationary licenses shall receive a maximum of four (4) hours of Category II credit for each day of attendance at a State Board meeting (attendance will be confirmed by the BCE Executive Officer).

§356.1. Cardiopulmonary Resuscitation/Basic Life Support Training

§356.5. Continuing Education Provider Approval, Duties and Responsibilities.

(a) In order to become and remain eligible for approval by the board as a continuing education provider, each provider must comply with provisions (b)(1) through (b)(10) of this section and provisions of section 357. Failure to comply with these provisions may result in the withdrawal of approval of the provider by the board. A provider that has had its approval withdrawn by the board shall not be eligible to provide continuing education credit until the board reinstates the provider. A provider that has lost approval may reapply to the board for approval as a continuing education provider after a period of suspension established by the board at the time that approval is withdrawn not to exceed two years.

(b) Each continuing education provider shall:

(1) Make written application to the board for approval as a continuing education provider, and also provide to the board a written mission statement that outlines the provider's continuing education objectives and declares the provider's commitment to conform to the standards set forth in this section. Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two weeks following the board meeting;

(2) Have engaged in the business of providing education to licensed health care professionals consisting of no less than one course in each year of a five year period immediately preceding the date of application for approval by the board as a continuing education provider;

(3) Designate a person responsible for overseeing all continuing education activities of the provider and provide written notification to the board identifying that individual;

(4) Use teaching methods that ensure student comprehension of the subject matter and concepts being taught;

(5) Establish and maintain procedures for documenting completion of courses, retain attendance records for at least four (4) years from the date of course completion, and furnish the board with a roster of persons completing the course, including the name and state chiropractic license number of each course participant, within sixty (60) days of course completion. Failure to submit the list of course participants within sixty (60) days of course completion may be grounds for withdrawal or denial of course approval;

(6) Be responsible for maintaining full time monitoring of course attendance. If any participant's absence from the room exceeds ten (10) minutes during any one hour period, credit for that hour shall be forfeited and such forfeiture shall be noted in the provider's attendance report submitted to the board as required in subsection (b)(5) of this section. It shall further be the responsibility of the provider to see that each person in attendance is in place at the start of each course period. Failure to maintain proper attendance monitoring procedures may be grounds for withdrawal or denial of course approval;

(7) Ensure availability to course participants of meeting rooms, study aids, audiovisual aids, and self instructional materials designed to foster learning and ensure student comprehension of the subject matter and concepts being taught;

(8) Disclose in any continuing education course advertising if expenses of the program are underwritten or subsidized by any vendors of goods, supplies, or services;

(9) Inform the board immediately of any event that may affect the provider's approval as a continuing education provider by the board;

(10) Inform the board in writing immediately of any change to the course that would affect the date, time or location when or where the course will be held.

§357. Approval of Continuing Education Courses. Continuing Education Exemptions, Reductions and Accommodations

(a) The application for approval of a continuing education course shall be submitted to the board office at least 45 days prior to the date of the course and shall include a nonrefundable application fee of \$50.00 and any other documentary information required by the board pursuant to section 356. The application fee for ongoing postgraduate courses presented by chiropractic institutions accredited by the Council on Chiropractic Education (C.C.E.) is due upon initial receipt of the application for approval, regardless

of the number of course meetings in one calendar year. Courses with schedules continuing into a second calendar year must submit a new application for the second year if continuing education credit hours are to be offered for that year. The new application for the second year must contain the required fee (\$50.00). The following licensees are exempt, entirely or in part, from the continuing education requirements of Section 356:

(1) New licensees, only in the year of their initial licensure, are not required to complete continuing education requirements during that initial year;

(2) Full-time and part-time instructors who teach clinical diagnosis, anatomy and physiology or other core science courses, for more than 20 hours per week at any Council on Chiropractic Education accredited college for at least six (6) months during any renewal year and can provide a certificate attesting to their instructional employment, in the past year before their relicensing requirement, would be exempt from the twelve (12) hours.

(3) Professional Board Members who have served one full year on the Board, will be exempt from all continuing education requirements, for each year they serve on the Board and for the 12 months following expiration of their service on the Board.

(4) Licensees who teach a board-approved continuing education course may earn one hour (1) hour credit for each two (2) hours of lecturing, up to a maximum of twelve (12) hours during any relicensing year. No person may receive credit for repeatedly teaching the same course they taught in the past, during each renewal cycle.

(5) Examiners for the part four portion of the National Board of Chiropractic Examiners (NBCE) examinations, shall receive a maximum of six (6) hours credit annually toward continuing education requirements only for each two day examination period. Examiners must provide written certification from the National Board of Chiropractic Examiners confirming the Examiner's involvement in one or both of the exam periods.

(7) If any licensee is unable to attend continuing education courses, due to a physical disability written certification in letter form, by a primary health care provider, under penalty of perjury.

(8) any licensee serving as active duty in the United States military or National Guard, the Board may approve, upon request of that licensee, to obtain all their required continuing education credits through distant learning courses, in accordance with CCR §359.

(9) Licensees who are actively participating in research related to chiropractic, and have a written letter from a college or institution, at the discretion of the Board, may have up to twelve (12) hours of either Category I or Category II continuing education hours.

(10) Persons who are publishing articles related to the profession of chiropractic, and are listed as one of the authors identified under the heading title of the article, shall be able to receive up to six (6) hours of continuing education credits for each research study published in a peer reviewed, nationally recognized and scientifically based publication, with a maximum of twelve (12) hours of credit applied towards Either category I or Category II required continuing education hours.

(11) The Board may accept written documentation from any licensee, explaining why they believe that the activities they are involved in warrant the Board to waive up to twelve (12) hours of Category I and or Category II continuing education requirements. The determination of the Executive Director shall be final in making such a decision, and if denied, the licensee shall complete all the required coursework specified in this regulation.

If a course meets the criteria of the board, the board shall notify the provider when a course has been approved.

Mention of such approval shall be included in announcements of the program and the printed program itself as follows: "Approved by the California State Board of Chiropractic Examiners for license renewal."

(b) Any board member, or members, or board designee shall have the right to inspect or audit any approved chiropractic course in progress.

(c) The board, may, after notification and an opportunity to be heard, withdraw approval of any continuing education course, and shall immediately notify the provider of such action.

§358. Exemptions and Reduction of Requirement. Continuing Education Providers

(a) In order to become and remain eligible for approval by the board as a continuing education provider, each provider must comply with provisions (b)(1) through (b)(10) of this section and provisions of section 357. Failure to comply with these provisions may result in the withdrawal of approval of the provider status by the board. A provider that has had its approval withdrawn by the board shall not be eligible to provide continuing education credit until the board reinstates the provider

A provider that has lost approval may reapply to the board for approval as a continuing education provider after a period of suspension of two years, however at the discretion of the Executive Officer, their application for reinstatement of provider status may be rejected for a period not to exceed ten (10) years.

(b) Each continuing education provider shall:

All doctors of chiropractic specifically exempted from, or obtaining a reduction in continuing education requirements include the following:

(1) Inactive licentiates; Make written application to the board for approval as a continuing education provider, and also provide to the board a written mission statement that outlines the provider's continuing education objectives and declares the provider's commitment to conform to the standards set forth in this section. Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two weeks following that board meeting;

(2) New licentiates in the year of initial licensure; Have engaged in the business of providing education to licensed health care professionals consisting of no less than one course in each year of a five year period immediately preceding the date of application for approval by the board as a continuing education provider;

(3) Teachers. A full-time teacher, as defined by C.C.E. regulation, shall be exempt from the required hours until no longer engaged in full-time chiropractic teaching. Designate a person responsible for overseeing all continuing education activities of the provider and provide written notification to the board identifying that individual;

(4) Lecturers. A lecturer shall be given two hours credit for each hour of actual lecturing at a recognized course. Credit for the same course presentation shall be granted only once during each year. Use teaching methods that ensure student comprehension of the subject matter and concepts being taught;

(5) If a doctor is unable to attend a continuing education course due to ill health, credit may be granted by the board upon request for documented completion of twelve (12) hours of recorded or videotaped approved continuing education course work. Such an exemption request must be made prior to the date that the required continuing education must be completed and in writing to the board's office and must also be accompanied by an attending doctor's statement. Establish and maintain procedures for

documenting completion of courses, retain attendance records for at least four (4) years from the date of course completion, and shall provide this roster to the board upon written requests which shall include the names of all persons completing the course, including the name and state chiropractic license number of each course participant. Failure to submit the list of course participants, upon written request by the Board within thirty (30) days may be grounds for withdrawal or denial of course approval and withdrawal of provider status.;

The licensee shall send to the board's office a signed affidavit affirming he or she has completed twelve (12) hours of approved continuing education tapes and must provide the board with the names and dates of the approved continuing education courses comprising the lecture tapes.

(6) Commissioners on Examination. Commissioners on Examination who administer the practical examination at least twelve (12) hours annually shall be exempt from the continuing education requirement in the years they act as Commissioners on Examination. Course providers shall have each attendee complete a course satisfaction survey which addresses the course content and quality of the instructors presentation of the course materials or subject matter, and each provider shall keep these survey forms with the roster, for the required four (4) year period that the roster is maintained.

(7) Active Board Members. Professional board members who have served one full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of board member service. If any participant's absence from the room exceeds ten (10) minutes during any one hour instruction period, their credit for that hour shall be forfeited and such forfeiture shall be noted in the provider's attendance report in accordance with the provisions of CCR 359(2). It shall further be the responsibility of the provider to see that each person in attendance is in the room and participating in the course material being presented at the start of each course period. Failure to maintain proper attendance monitoring procedures may be grounds for withdrawal or denial of course approval by the Board and provider status;

(8) Ensure availability to course participants of meeting rooms, study aids, audiovisual aids, and self-instructional materials designed to foster learning and ensure student comprehension of the subject matter and concepts being taught;

(9) Providers shall disclose in any continuing education course advertising if expenses of the program are underwritten or subsidized by any vendors of goods, supplies, or services; no advertising or marketing materials or items for sale are allowed to be displayed within the room where the actual instruction is taking place.

(10) Providers shall inform the board immediately of any event that may affect the provider's approval as a continuing education provider by the Board;

(10) Providers shall inform the Board in writing immediately of any change to the course that would affect the date, time or location when or where the course will be held.

Applicants who wish to apply for Board approval to authorize their own courses shall meet the qualifications of either:

Applicants who desire to apply for consideration for approval as continuing education providers who are authorized to approve their own courses, must be able to establish that they have been approved as Continuing Education Providers for the BCE, for a minimum of ten (10) consecutive years for any individual(s), Corporations, Associations, Health Facilities, Government Agencies, Partnerships and Chiropractic Colleges. If any entity so approved stops teaching for 12 months or more, they must reapply for this status. Every provider so approved, during their first year, shall be approved in a provisional status, and subject to re-approval at the discretion of the Board. All providers

in this category are subject to audit of their courses at the discretion of the Board.

If denied, an applicant may petition the Executive Officer within 30 days of their denial. If they desire to appeal the Executive Officers decisions, they may appeal to the Board for reconsideration.

§359. Revoked or Suspended Licenses-Continuing Education Course Requirements

Any person making application for reinstatement or restoration of a license which has been revoked or suspended may be required, as a part of the relief granted, to complete an approved course of continuing education, or to complete such study or training as the board may require.

(a) The basic objectives and goals of continuing education are the growth, maintenance of knowledge and competency, the cultivation of skills, and greater understanding, with a continual striving for excellence in chiropractic care and the improvement in the health and welfare of the public.

(b) The application for approval of a continuing education course shall be completed on a form prescribed by the Board. Continuing education course applications must be received by the board office at least 45 days prior to the date of the course and shall include a nonrefundable application fee of \$ per each hour of course content requested.

(c) The Board shall consider for approval the application of any continuing education course, which conforms to the criteria below and is sponsored by a Board approved continuing education provider.

(1) No more than eight (8) hours of instruction shall be given during any twenty- four (24) hour period.

(2) Continuing education credit shall be based on a "contact hour" defined as fifty (50) minutes of participation per sixty (60) minutes of time, or an hour. Class breaks shall be at the discretion of the instructor and shall be scheduled to promote learning as teaching complex subject material does not always accommodate taking a ten (10) minute break after each fifty (50) minutes of instruction. In allowing the course instructor reasonable discretion to present their material in a cohesive manner, for the benefit of the attendees the Board also requires that a maximum of 150 minutes of continuous instruction is allowed at Board approved Continuing Education courses, however, if the instructor reaches 150 minutes of continuous presentation of material/instruction, they shall be required to stop their presentation/lecture and provide a minimum fifteen (15) minutes of break-time for all attendees. The attendees shall not forfeit their break time because their instructor exceeded a single contact hour.

Any unused break time (ten minutes for each "contact hour") shall accumulate, and may be given at any time that the instructor or provider deems is appropriate but it is not intended to be used to allow licensees to leave the course early, by forcing excessive information with unreasonable break time, for the purpose of accumulating break minutes to allowing the attendees to leave early. The maximum course instruction in any given day shall be eight (8) hours, and the maximum break time shall be ten (10) minutes for each contact hour.

Calculation of continuing education course credit shall not include time for breaks. If any participant's absence from the room exceeds ten (10) minutes during any contact hour, credit for that hour shall be forfeited and it is the requirement of the provider to note the forfeiture of the attendee's time. To assure attendance, the course provider or

designated monitor shall stamp or otherwise note, on each attendee's attendance form, that they were present during each hour of instruction.

(3) Continuing education courses offered through distance learning must be recognized by the Board as an approved distance-learning format. Licensees are restricted from taking the same distance-learning course within a twelve-month calendar year. Distance learning courses shall:

(a) Contain a CE purpose statement with objectives.

(b) Disclose faculty credentials

(c) Explain the appropriate level of technology required.

(d) Address the content area being taught (category of credit), amount of hours available for credit, and deadline for completion.

(e) Make available technical assistance as appropriate to the format

(f) Contain security measures to protect learner's identity, course and related content.

(g) Allow for student/instructor interaction in a timely manner.

(i) Show formal outcome assessment of course.

(j) Provide a course evaluation upon conclusion of course.

(k) Instructional materials are reviewed annually to ensure they meet current professional standards.

(l) Require learner to sign an affidavit of compliance and verify completion of enrolled hours of distance education.

(m) Any conflict of interest where the provider has a financial interest in materials sold or marketed through this seminar, must disclosed in writing to each attendee this conflict of interest at the time that they register for the course so that Distance learning courses are required to be marketed without promotional material or advertisements embedded in the CE course delivery system. Licensee should be clearly notified if they are leaving a CE educational site and directed to a promotional/sponsor site. Manufacturers of chiropractic products or services shall not be endorsed or embedded into CE course material.

(4) Topics that will not be approved are those that only benefit the licensee; including financial management, income generation, practice management enhancement related billing and collections, and any self-motivation, practice-building, and patient recruitment type courses.

(5) Applicants with incomplete information will be notified of the deficiencies in writing within two (2) weeks from the date of receipt.

(6) Any change of course content requires submittal of a new application.

(7) The board or board designee, after notification and an opportunity to be heard, may withdrawal approval of any continuing education course, and shall notify the provider of such action. The provider may appeal such a decision, to the Executive Officer within 30 days of such notice. If the provider('s) appeals the Executive Officers decision, they may petition to have their concern heard by the full Board.

(8) Any board member, or members, or board designee shall have the right to inspect or audit any approved chiropractic course in progress, at no charge, but the provider is not required to issue a certificate of completion to such attendee's who have not paid for

their course.

§360. Continuing Education Audits.

The Board shall conduct random audits to verify compliance with Continuing Education requirements of active licensees. Audits may be in a variety of forms, including on site audits, audits from subject matter experts, enforcement special investigators, or by letter to attendees. It is the responsibility of each licensee to retain documentation of their completion issued to them at the time of attendance of Board-approved Continuing Education courses of the course they attended and are using to meet the required continuing education hours for licensure. If a licensee cannot confirm their attendance, if audited, the Board shall consider that failure to constitute non-compliance with the continuing education requirements (set forth herein), and the licensee shall not have met the continuing education requirements, and is therefore practicing illegally without a proper active license. All licensees are required to keep this verification information for a period minimum of four (4) years after completion of the course used to meet their relicensing requirements, and All licensees shall, forward such proof to the Board upon request from the Board, provide evidence of their completion of the coursework, within thirty (30) days after receipt of that request from the Board.

Licensees who fail to retain documents of completion shall may attempt to obtain duplicate documents, from Board-approved Continuing Education providers, who shall issue duplicates only to licensees whose names appear on the providers' rosters of course attendees. Verifying attendance for a licensee who has lost or misplaced their attendance certificate is not the responsibility of the course provider. The documents of completion shall be However, if the provider is able to certify, under penalty of perjury, that the licensee did attend the course, based on independent records including the licensee's name appearing on the providers' rosters of course attendees the provider shall produce a document that is clearly marked "duplicate" and shall contain the licensee's names and license numbers, as well as providers' names, course approval numbers, dates of attendance, and hours earned.

Licensees who furnish false or misleading information to the Board regarding their Continuing Education hours shall be subject to disciplinary action. Providers who present false or inaccurate verification of a licensee's participation shall lose their provider status for a minimum of ten (10) years.