BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

BCE Enforcement Committee

Meetings Update

Exhibit 15

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Agenda Item 15
January 28, 2016

BCE Enforcement Committee Update

Purpose of the item

The Enforcement Committee Chair will provide the Board with an update from the January 12, 2016 meeting.

Action(s) requested

The Board may take action on any item from the Enforcement Committee meeting agenda.

Background

Agenda items discussed at the January 12, 2016 Enforcement Committee meeting:

- Discussion and Possible Action Regarding Development of Consumer Complaint Brochure; Recommendation to Full Board
- Discussion and Possible Action Regarding Proposal That Requires Licensees Post a Notice in Their Place of Practice Advising Consumers That They are Licensed by the Board of Chiropractic Examiners (Board) and How to Contact the Board; Recommendation to Full Board
- Discussion and Possible Action Regarding Proposal to Require Licensees who are on Probation with the Board to Provide Notice of License Status to Their Patients and Prospective Patients; Recommendation to Full Board
- Discussion and Possible Action Regarding Proposal to Issue a Citation and Fine Specifically for Failure to Comply with Mandatory Continuing Education Requirements; Recommendation to Full Board

Recommendation(s)

Staff has no recommendation at this time.

Next Step(s)

N/A

Attachment(s)

- Proposed language regarding Notice to Consumers
- Proposed language regarding Notice to Patients
- Proposed language regarding a Reprimand for Failure to Comply with CE Requirements

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NOTICE OF TELECONFERENCE
ENFORCEMENT COMMITTEE MEETING
January 12, 2016
1:30 p.m.

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Enforcement Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

Sergio Azzolino, DC
1545 Broadway St., Suite 1A
San Francisco, CA 94109
(415) 563-3800

Heather Dehn, D.C.
4616 El Camino Ave., Suite B
Sacramento, CA 95821
(916) 488-0202

Frank Ruffino, Public Member
Veterans Home of California
700 E. Naples Ct.
Chula Vista, CA 91911
(619) 482-6010

AGENDA

1. **Call to Order**

2. **Approval of Minutes**
   May 12, 2015

3. **Discussion and Possible Action Regarding Development of Consumer Complaint Brochure; Recommendation to Full Board**

4. **Discussion and Possible Action Regarding Proposal That Requires Licensees Post a Notice in Their Place of Practice Advising Consumers That They are Licensed by the Board of Chiropractic Examiners (Board) and How to Contact the Board; Recommendation to Full Board**

5. **Discussion and Possible Action Regarding Proposal to Require That Licensees who are on Probation with the Board to Provide Notice of License Status to Their Patients and Prospective Patients; Recommendation to Full Board**

6. **Discussion and Possible Action Regarding Proposal to Issue a Citation and Fine Specifically for Failure to Comply with Mandatory Continuing Education Requirements; Recommendation to Full Board**

7. **Public Comment**
   Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125 & 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

8. Future Agenda Items

9. Adjournment

ENFORCEMENT COMMITTEE
Sergio Azzolino, D.C., Chair
Heather Dehn, D.C.
Frank Ruffino, Public Member

Meetings of the Board of Chiropractic Examiners' Committee are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board's 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 facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

California Board of Chiropractic Examiners

Notice to Consumers

Proposed Language

Adopt section 308.1 in Article 1, Division 4, of Title 16 of the California Code of Regulations to read as follows:

308.1. Notice to Consumers

(a) A licensee engaged in the practice of chiropractic shall provide notice to each patient of the fact that the licensee is licensed and regulated by the board. The notice shall include the following statement and information:

NOTICE TO CONSUMERS

Chiropractic doctors are licensed and regulated by the Board of Chiropractic Examiners

(916) 263-5355

www.chiro.ca.gov

(b) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in an area visible to patients on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 40-point type in Arial font.

(2) Including the notice in a written statement, signed and dated by the patient or the patient's representative and retained in that patient's medical records, stating the patient understands the chiropractor is licensed and regulated by the board.

(3) Including the notice in a statement on letterhead, discharge instructions, or other document given to a patient or the patient's representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

NOTE: Authority cited: Sections 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii), Reference: Section 138, Business and Professions Code.

NOTICE TO CONSUMERS

Chiropractic doctors are licensed and regulated by the Board of Chiropractic Examiners

(916) 263-5355

www.chiro.ca.gov

Proposed Disciplinary Guidelines Language

Motion was carried at the May 12, 2015 Enforcement Committee Meeting, to recommend that the Board adopt the proposed language.

Notice to Patients

Respondent shall notify all current and potential patients of his/her ~~the~~ probation requirements by posting a copy of the final Decision and Order in this matter and by giving a form designated by the Board, for each patient to sign. Respondent shall post a copy of the Decision within public view inside common areas within the practice which includes the front desk, the examination room(s) and patient reception room(s). Patient ~~especially any term or condition of probation which will affect their treatment or the confidentiality of their records. Such~~ notification shall be signed by each patient prior to continuing or commencing treatment. Respondent shall submit, upon request by the Board, satisfactory evidence of compliance with this term of probation. ~~Terms of probation which require such notification include, but are not limited to, suspension of practice, supervised practice, and restricted practice.~~

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PATIENT NOTIFICATION

The chiropractor, named below, has been placed on probation with the Board of Chiropractic Examiners. Conditions of probation require that the chiropractor notify you, the patient, of his/her probationary status.

Chiropractor's Name: John Doe License # DC- 12345

Term of Probation: From _____ to _____

The terms and conditions of the above chiropractor's probation are detailed in Accusation 2010-XXX. Following are term(s) and condition(s) that may affect your treatment:

- ✓ Dr. Do D.C. must have a third-party chaperone while consulting, examining and/or treating female patients.

The Section Below is to be Completed by the Patient

Print Name: _____

Signature: _____ Date: _____

Your signature verifies that you have been given the opportunity to read the Board's Decision in case 2015-XXX that places this chiropractor on probation.

T (916) 263-5355
F (916) 327-0039
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, California 95814
www.chiro.ca.gov

California Board of Chiropractic Examiners

Reprimand for Failure to Comply with CE Requirements

Proposed Language

Amend section 371 in Article 7.5, Division 4, of Title 16 of the California Code of Regulations to read as follows:

§ 371. Annual License Renewals and Restoration.

(a) This section shall apply to non-disciplinary license renewal and restoration. Disciplinary license restoration conditions are defined in Section 1000-10 of the Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p.1xxxviii).

(b) A license shall expire annually on the last day of the licensee's birth month. For purposes of this section, the following terms have the following meanings:

(1) "License in forfeiture" is a license that has not been renewed within 60 days following its expiration date.

(2) "Inactive license" has the meaning specified in Business and Professions Code 700.

(3) "Cancelled license" is a license that has been expired for a period of three (3) consecutive years.

(c) To renew an active license, a licensee shall complete and submit a "Renewal" form (R1HDC, Rev. 06/11), which is incorporated by reference, pay the appropriate fee specified in Section 370(a) prior to the expiration date of the license, and complete the board's continuing education requirements that were in effect during the license renewal period.

(d) To renew an inactive license, a licensee shall complete and submit a "Renewal" form (R1HDC, Rev. 06/11) and pay the appropriate fee specified in Section 370(a) prior to the expiration date of the license.

(e) To renew and restore a license in forfeiture, a licensee shall complete and submit a "Forfeiture Notice" form (D1HDC, Rev. 06/11) and an "Application for Restoration of License" form (Revision date 04/11), which are incorporated by reference, pay the appropriate fees specified in Section 370(b) and have met one of the following continuing education requirements:

(1) Completed the board's continuing education requirements that were in effect at the time of each license renewal period;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for that state for each license renewal period the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic examination within six (6) months prior to submitting the Application for Restoration of License.

(f) To restore an inactive license to active status, a licensee shall complete and submit an "Inactive to Active Status Application" form (Revision date 02/10), which is incorporated by reference, pay the appropriate fee specified in Section 370(c) prior to the expiration date of the license, and complete continuing education equivalent to that required for a single license renewal period.

(g) To restore a cancelled license, a licensee shall complete and submit an "Application for Restoration of License" form (Revision date 04/11), pay the appropriate fee specified in Section 370(b), and have met one of the following continuing education requirements:

(1) Completed the board's continuing education requirements that were in effect at the time of each license renewal period;

(2) Practiced in another state under an active valid license and completed all continuing education requirements for that state for each license renewal period the license was expired;

(3) Passed the National Board of Chiropractic Examiners (NBCE) Special Purposes Examination for Chiropractic examination within six (6) months prior to submitting the Application for Restoration of License.

(h) The board will not process incomplete applications nor complete applications that do not include the correct fee as specified in Section 370.

(i) In addition to any other requirement for renewal or restoration of a license, a licensee shall disclose whether, since the last renewal of his or her license, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country. However, licensees are not required to disclose traffic infractions that resulted in fines of less than five hundred dollars ($500) that did not involve alcohol, dangerous drugs, or controlled substances.

(j) Failure to comply with the Board's continuing education requirements shall result in a violation of this section which would constitute unprofessional conduct and the licensee shall be subject to discipline by the Board.

Authority cited: Sections 1000-4(b), 1000-4(e), 1000-10(a), and 1000-10(b), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923 p. lxxxviii)).
Reference: Sections 1000-4(b), 1000-10(a), 1000-10(b), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923 p. lxxxviii)).

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Update on Pending Regulations

Exhibit 16

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STATE OF CALIFORNIA

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Agenda Item 16
January 28, 2016

Update on Pending Regulations

Purpose of the item

The Board will receive an update on the status of the Board's pending regulations.

Action(s) requested

No action required at this time.

Background

The Board has ten regulatory packages in various stages of completion. Regulatory changes the Board has discussed are as follows:

A. Application for Licensure (CCR Section 321)
B. Consumer Protection Enforcement Initiative
C. Uniform Standards for Substance Abusing Licensees
D. Revisions to BCE Disciplinary Guidelines
E. Delegation of Authority to the Assistant Executive Officer
F. Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees
G. Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements) Continuing Education Requirements (CE Provider and Course Approval)
H. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee
I. Continuing Education Requirements (CE Provider and Course Approval)
J. Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)

Recommendation(s)

Staff has no recommendation at this time.

Next Step(s)

N/A

Attachment(s)

- BCE List of Prioritized Proposed Regulatory Changes

BCE List of Prioritized Proposed Regulatory Changes

	Group A – Legislatively Mandated	STATUS
1	Application for Licensure (CCR Section 321)	**Rulemaking process was initiated 1/1/2016**
2	Consumer Protection Enforcement Initiative	Rulemaking not yet started
3	Uniform Standards for Substance Abusing Licensees	Rulemaking not yet started
	Group B	
1	Delegation of Authority to the Assistant Executive Officer	Rulemaking not yet started
2	Revisions to BCE Disciplinary Guidelines	**Approved Rulemaking Process 7/30/15**
3	Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	**Approved Rulemaking Process 7/30/15**
4	Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements) Continuing Education Requirements (CE Provider and Course Approval)	Rulemaking not yet started
	Group C	
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	**Approved Rule Making Process 4/16/15**
2	Continuing Education Requirements (CE Provider and Course Approval)	Rulemaking not yet started
3	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	Rulemaking not yet started

Status options:

- Proposed Regulatory Change
- Approved Rulemaking Process
- Initiated Rulemaking Process
- Regulation adopted by Board
- Regulation pending DCA Approval
- Regulation pending OAL Approval
- Approved /Denied by OAL
- Effective Date