Board of Chiropractic Examiners

Teleconference
Government Affairs & Strategic Planning Committee

May 12, 2016

COMMITTEE MEETING AGENDA

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

CORRECTED
NOTICE OF PUBLIC MEETING

TELECONFERENCE - GOVERNMENT AFFAIRS & STRATEGIC PLANNING COMMITTEE

May 12, 2016, 10:00 a.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 Government Affairs and Strategic Planning Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355
(Board Staff)

Julie Elginer, DrPH
Agoura Hills Library
29901 Ladyface Circle
Agoura Hills, CA 91301
(818) 889-2278

John Roza, D.C.
800 Douglas Blvd
Roseville, CA 95678
(916) 786-2267

Frank Ruffino
Raintree's Cimarron Golf Resort
67-707 30th Avenue
Cathedral City, CA 92234
(619) 205-1415

AGENDA

1. **Call to Order**

2. **Approval of Minutes**
   a. April 7, 2016

3. **Update on the Strategic Planning Process**

4. **Update and Possible Action Regarding Legislation**
   a. AB 1992 (Jones) Pupil health: physical examinations
   b. AB 2407 (Chavez) Workers' Compensation
   c. AB 2744 (Gordon) Healing arts: referrals
   d. SB 1033 (Hill) Medical Board: disclosure of probationary status.
   e. SB 1155 (Morrell) Professions and vocations: licenses: military service
   f. SB 1217 (Stone) Healing arts: reporting requirements
   g. SB 1348 (Cannella) Licensure applications: military experience.

5. **Discussion of Dates for Future Committee Meetings**

6. **Public Comment For Items Not On The Agenda**
   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.

7. Future Agenda Items

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] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

8. Adjournment

GOVERNMENT AFFAIRS COMMITTEE
Julie Elginer, DrPH, Chair
John Roza, D.C.
Frank Ruffino, Public Member

The Board of Chiropractic Examiners' paramount responsibility is to protect the health, welfare, and safety of the public through licensure, education, and enforcement in chiropractic care.

Committee Meetings of the Board of Chiropractic Examiners 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 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 Valerie James at (916) 263-5355 ext. 5362 or e-mail valerie.james@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Ste. 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.

MEETING MINUTES

Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Government Affairs Committee
April 7, 2016

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Julie Elginer, DrPH
Agoura Hills Library
29901 Ladyface Circle
Agoura Hills, CA 91301

John Roza, D.C.
800 Douglas Blvd
Roseville, CA 95678

Mr. Frank Ruffino
Department of Veterans Affairs
700 East Naples Court
Chula Vista, CA 91911

Committee Members Present
Julie Elginer, DrPH, Chair
John Roza, D.C
Frank Ruffino

Staff Present
Robert Puleo, Executive Officer
Dixie Van Allen, Licensing Manager
Marcus McCarther, Policy Analyst

Call to Order
Dr. Elginer called the meeting to order at 10:11 a.m.

Roll Call
Dr. Roza called the roll. All Board members were present at the locations listed on the Agenda.

Approval of Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE MARCH 10, 2016 MEETING.
SECOND: DR. ELGINER SECONDED THE MOTION
VOTE: (3-0) (DR. ROZA – AYE, MR. RUFFINO – AYE, DR. ELGINER - AYE)
MOTION CARRIED (3 – 0)

Legislative Update

AB 2744 (Gordon) Healing arts: referrals

Mr. Puleo provided the committee with a summary of AB 2744.

Dr. Elginer asked whether the proposed updates to the Business and Professions Code (BPC) section 650 applied to physicians.

Mr. Puleo responded that BPC 650 applies to all healing arts boards. The Medical Board of California (MBC) is included and the Board of Chiropractic Examiners (BCE) is called out specifically because it was created through an initiative act.

Dr. Elginer explained that Section (f) defines a "health care facility" and inquired whether chiropractic facilities are regulated by the BCE.

Mr. Puleo responded that the BCE does not regulate chiropractor's facility; so much as it regulates the licensee. The licensee is responsible for the conduct in their office.

Dr. Elginer explained that section (G) clarifies that a payment for advertising pre-paid services does not constitute the referral of patients.

Mr. Puleo shared that he has spoken with many licensees and feels this legislative change is just keeping pace with 21st century technology and is no different than placing an advertisement in the Sacramento Bee. According the Mr. Puleo, the main difference is that this form of advertising is more beneficial to the licensee, as they only pay when services are purchased. Ultimately, consumers are making the decision about what licensee to go with.

Dr. Elginer explained that from a consumer standpoint, the bill states that after consultation a refund may be issued if the services purchased are not appropriate.

Mr. Puleo agreed and shared that consumer protection is still maintained because if an advertisement is fraudulent, it is still a violation for which the Board can discipline a license.

Mr. Puleo shared his hesitation with supporting the bill. He explained that the bill may not provide much benefit to consumers. However, it is his belief that the bill provides clarity on an issue not clarified by DCA or the State Attorney General's Office and is fair to licensees.

Dr. Roza responded that there is caution among the profession with how licensees attract patients and believes that in this day and age, these services will be used more and more.

Mr. Puleo clarified that the bill would apply to all healing arts professions, including physicians.

Dr. Elginer asked Mr. Puleo if the California Chiropractic Association was supporting the bill.

Mr. Puleo responded that he would follow-up with the association and respond to Committee members via email.

Dr. Elginer replied that she liked the fact that the bill codifies in the law that licensees must provide a refund to consumers if the services purchased are not appropriate. Further, from a Board administrative perspective, having something in law that clarifies a long-standing issue for the board is helpful. Finally, Dr. Elginer shared that she supports a neutral position on AB 2744.

Motion: Mr. Ruffino moved to take a neutral position on AB 2744.
Second: Dr. Roza seconded the motion.
Vote: (Aye: Dr. Elginer, Dr. Roza, Mr. Ruffino)
Motion Passes (3 – 0)

SB 1033 (Hill) Medical Board: disclosure of probationary status.

Mr. Puleo began by explaining to the Committee that SB 1033 was amended to include the BCE into the legislation. However, the amendments were not substantial enough to change the Board's position on the bill. Mr. Puleo shared that the only concern about the bill was that the Legislative Counsel used a one-size fits all approach to drafting the bill and that the bill would need to be amended for clarity and consistency with the chiropractic profession.

Mr. Puleo explained two amendments that would change any reference to the "practice of medicine" to the practice of chiropractic and delete any paragraph that includes a reference to chiropractors "prescribing controlled substances".

Mr. Puleo advised that the bill says that a licensee is not required to disclose probationary status to a patient if he/she is unconscious or otherwise unable to understand the disclosure.

Mr. Puleo asked Dr. Roza whether there would be a situation in which a chiropractor would treat an unconscious patient. Mr. Puleo also explained that this situation would be applicable to an emergency room physician situation and could not imagine a time when a chiropractor has to administer chiropractic care in an emergency situation. Finally, Mr. Puleo stated that BCP section 318.1, Manipulation under Anesthesia, provides the circumstance under which a chiropractor could render services to an unconscious patient. However, these services would not be done in an emergency situation, not with a patient that has not been consulted, and not on the first visit.

Dr. Roza responded in the affirmative. Dr. Roza explained that chiropractors usually do not treat patients that are unconscious except for manipulation under anesthesia.

Mr. Puleo suggested an amendment to the language that would remove subdivision (G).

Mr. Puleo addressed subsection 6. Mr. Puleo explained that he was unsure of when the Board would ever have access to the BreEZe system. He stated that staff would need to complete additional research regarding generic language that would allow the Board to place licensee probation information on the Board's website. He shared that staff would work with the author's office and with the DCA to address these concerns.

Mr. Puleo explained to the Committee that none of the changes discussed would change the Board' support for the bill. He said these changes are technical and need to be addressed going forward.

Dr. Elginer stated that current bill language does not address issues of fraud as a reason for notification. She explained that most of the reasons for patient notification deal with departures from clinical care or alcohol or drug problems and inquired why fraud was not included.

Mr. Puleo responded that the bill may not specifically list fraud as a reason for notification but there are various avenues such as a felony conviction related to patient care. Also, Mr. Puleo shared that it is difficult for the Board to substantiate issues related to fraud.

Mr. Puleo explained that if a licensee's behavior was egregious enough that they were required to have a third-party chaperone or monitor, these offense would be disclosed to patients. This would include a billing monitor related to fraud.

Dr. Elginer shared that for consumer protection, the cause for probation should be made clear.

Mr. Puleo responded that there was a good chance the bill would go through additional amendments to address these concerns.

Dr. Elginer commented that the Board plans to attend the Business and Professions Committee meeting the following week.

Mr. Puleo informed the Committee that staff would contact the author's office to express the BCE's desired amendments.

Discussion of Dates for Future Committee Meetings

Mr. Ruffino suggested Thursday, May 5th for the upcoming Committee meeting and the Committee agreed.

Dr. Elginer explained that there are deadlines that the legislature must comply with to move bills forward. She suggested that the Committee schedule multiple meetings in order to keep up with the anticipated legislative activity.

The Committee agreed to June 9th and July 21th for upcoming Committee meeting dates.

Dr. Elginer shared that the Committee members should start thinking about the fall legislative meet and greets.

The Committee agreed to tentatively schedule November 17th and 18th for the fall legislative meet and greet.

Dr. Elginer requested that staff get clarity from DCA's SOLID Unit on when they anticipate the Committee would be able to review the draft strategic plan. She explained that the plan would need to be reviewed in August before the October Board meeting.

The Committee set a tentative review date for some time in the latter part of August.

Public Comment For Items Not On The Agenda

There was no public comment on this agenda item.

Future Agenda Items

There were no future agenda items discussed.

Adjournment

Dr. Elginer adjourned the meeting at 11:06 a.m.

EXHIBIT

3

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Agenda Item 3
May 12, 2016

Strategic Plan Update

Purpose of the item

The Committee will receive an update on the Board's Strategic Planning Process. Ted Evans from DCA SOLID Unit will be in attendance to answer any questions from Committee members.

Action(s) requested

No action requested.

Background

The Board completes a Strategic Plan every three years. The Board completed the 2014-2017 Strategic Plan in 2013. SOLID is currently in an 8-week planning phase where it completes a SWOT analysis and an environmental scan for the Board. Additionally, SOLID planners will conduct focus groups with BCE staff and management and survey stakeholders.

The week of the July 29th Board meeting, SOLID will conduct the full Strategic Planning Session with Board members.

Recommendation(s)

Staff has no recommendation at this time.

Next Step

Board members will participate in a Strategic Planning Session on July 28, 2016.

Attachment(s)

- SOLID Facilitator Biographies
- BCE Strategic Planning Development Roadmap
- BCE Strategic Plan Schedule
- Draft 2017 Strategic Plan Goal Areas

Facilitator Biographies

Dennis Zanchi

Since joining the SOLID team in 2013, Dennis has conducted focus groups for the Department of Justice as well as DCA boards and bureaus. Dennis has worked on strategic plans for Psychology, BPELSG and Optometry. Prior to DCA, Dennis worked with colleges nationwide facilitating interactive sessions on a variety of education-related topics, including sessions designed to draw out opinions, build consensus, and guide groups to discover new solutions. He helped college administrators build a better framework for understanding student loan default prevention, financial literacy, and student retention. He also develops evaluation measurement methods to quantify the success of various initiatives. Prior to working with colleges, Dennis worked with credit unions nationwide to develop consumer research and marketing plans. He is a graduate of CSU, Sacramento.

Elisa Chohan

Elisa Chohan joined the SOLID team in 2013. Since then, Elisa has partnered with the Board of Registered Nursing, the Bureau of Real Estate Appraisers, the Cemetery and Funeral Bureau, the Court Reporters Board and the Structural Pest Control Board to develop their organization's strategic plans. Elisa came directly from the Bureau of Automotive Repair (BAR) Technical Training Unit. At BAR, Elisa was responsible for the implementation of new processes as well as the creation of new curricula with a focus on adult learning theory and collaborative learning strategies. Prior to starting her career in state service, Elisa was a high school teacher in the Sacramento area, where she worked to develop accreditation plans and process improvement measures to increase institutional efficiency. She has extensive experience with classroom management and developed strategies for behavioral and learning challenges. Elisa graduated from University of California, Davis with a B.A. in History and earned her Masters of Education degree in 2012 from Sacramento State University.

Noel Cornelia

Noel brings over 10 years of experience providing innovative ideas for graphic facilitation of strategic planning sessions in the areas of project management, administration, construction, engineering, and employee recognition. Noel leads participants in the areas of team building, strategic visioning, process improvement, planning, conflict resolution, SWOT, brainstorming, reflection, mission statements, and storyboarding. Noel is the State of California's leading expert in Graphic Recording and Graphic Facilitation training and consulting. She is a Certified True Colors Instructor whose sole clients were executives and managers. Noel is a consultant for a dynamic government firm, local universities, private sector businesses, and educators seeking to engage audiences visually. Recently, Noel created the first comprehensive academy for visual communication exclusively for the public sector to build teams and strengthen California's leaders. Noel graduated from CSU, Sacramento, is pursuing graduate studies in Art Therapy, and has been a small business owner for over 14 years.

Ted Evans

Ted Joined SOLID in 2014. At DCA he has developed strategic plans for the Architects Board and the Bureau of Security and Investigative Services. Ted previously worked as a Systems Engineer on the new product implementation team at Meridian Systems. While at Meridian, he created deployment plans, training coursework, knowledge base documentation, and testing metrics. Additionally, he created process maps to support and train clients in their transition to new software. Ted also brings over 15 years of operational management expertise, specializing in process improvement. He developed and implemented successful strategic plans and operations analysis for technology service providers and high-volume restaurant/entertainment facilities. Ted has degrees in Information Technology and Physical Science/Mathematics, and a Bachelor of Science from CSU, Sacramento in Business Administration with a concentration in Human Resources & Organizational Behavior.

Brianna Miller

Brianna joined the SOLID team in 2015. Brianna has worked for the Department of Consumer Affairs (DCA) since 2010, serving at the Board of Optometry, the Bureau of Automotive Repair (BAR) and, most recently, as the DCA's Policy Coordinator in the Division of Programs & Policy Review. In her role as Policy Coordinator, Brianna facilitated policy discussions in monthly Policy Review Committee meetings. Additionally, Brianna has drafted procedural guides and handbooks, and has led presentations for DCA staff and stakeholders. Brianna graduated from University of California, Davis with a B.A. in Psychology and is expecting to complete a Master's of Science degree in Industrial/Organizational Psychology in Summer 2015. Brianna brings graduate-level Organizational Development and Organizational Psychology knowledge in psychometrics, data analysis, needs assessments, job analyses and employee behavior to SOLID's clients.

STRATEGIC PLAN DEVELOPMENT ROADMAP

Average Time to Complete Each Phase

1 Week — Preliminary Meeting & Set-up

- Preliminary meeting with client
- Introduce facilitators
- Set schedule and decide dates
- Decide roles
- Define process
- Create customized development plan for client

8 Weeks — SWOT, Environmental Analysis Scan

- Conduct Focus Group
- Survey stakeholders
- Conduct Board member interviews
- Interview Executive Officer
- Compile and format data
- Analyze data
- Review findings with client

2 Weeks — Board Meeting Planning Session

- Create Facilitation plan
- Conduct Planning Session(s)
- Review Accomplishments
- Discover Vision
- Determine Mission
- Develop Values
- Review Environmental Scan Results
- Establish Goals and Objectives

5 Weeks — Create & Finalize Plan

- Solid drafts plan
- Review plan with client and make adjustments
- Board approves and adopts plan at future Board meeting
- Post plan to website

2 Weeks — Action Planning

- Prioritize Objectives
- Establish timeframes
- Determine metrics
- Assign responsibilities
- Draft action plan
- Review plan with client and make adjustments

solid planning solutions

Board of Chiropractic Examiners Strategic Plan Schedule

Updated 4/29/16		Due Date
Preliminary Meeting/overview	SOLID will meet with the BCE leadership to gather information about the BCE and to discuss the strategic planning process.	**April 13, 2016**
Determine stakeholders	BCE to determine stakeholders and obtain stakeholder email addresses for email distribution of survey(s). Recipient count provided to SOLID	**April 22, 2016**
Contact list	BCE to provide SOLID with a contact list of Board member names, numbers and email addresses	**April 22, 2016**
Approve Stakeholder Survey	SOLID will develop an online stakeholder survey as well as a staff survey. We will provide the survey draft as well as the survey announcement for your review by **April 29, 2016**	**Approved by May 2, 2016**
Board Member Email Invitation	SOLID will send an email invitation to each Board member to schedule the individual phone interviews.	**Week of May 2, 2016**
Survey Stakeholders	BCE to distribute to stakeholder by email. **SOLID will use an online survey at surveymonkey.com to obtain input from your stakeholders.*	**May 3 -18, 2016**
BCE Staff Focus Group	SOLID will facilitate **4 hour meetings** with your staff and separately with management to strengths and challenges of the Board	**May 4, 2016**
EO & AEO & Mgt Focus Group	EO/AEO & Management Focus Group	**May 10, 2016**
Board Member Phone Interviews	SOLID will schedule individual phone interviews with Board members. These interviews are 45 minutes to 1 hour in length and will cover the climate of the industry as well as their views on the Board's strategic focus for the upcoming plan.	**May 16 – 27, 2016**
Compiled Results to Executive Officer for Review	Upon completion of interviews and surveys, SOLID will compile and analyze the data and produce a trends document to use with our presentation materials. This material will be sent to you for review and approval. The final trends document will be discussed during the planning session. ***Deliverable: Environmental Scan, A-level Priority worksheets***	**Draft: June 23, 2016** **Final: June 30, 2016**
Pre-Session Meeting with Executive Director	This meeting, usually held at least 1 week before the planning session, is designed for the facilitator and Executive Officer to discuss the game plan and materials for the planning session.	**Week of July 18, 2016**
Strategic Planning Session	SOLID will facilitate the strategic plan development session with the Board. The workshop will review trends identified from the surveys, interviews, focus groups and establish a Vision, Mission, Values, Goals and Objectives for the new plan.	**July 28 – 29, 2016**
Update Strategic Plan	SOLID will use the information gathered at the planning session to create the BCE strategic plan. A comprehensive draft will be sent to you for review by the target due date.	**August 11, 2016**
Board adopts Strategic Plan	Strategic plan is approved by the Board.	**TBD**
Action Planning Session	After the Board approves strategic plan, SOLID will facilitate a meeting with the Board staff to create an action plan to guide completion of strategic objectives by establishing dates, major tasks, and assigning responsibility.	**TBD**

Board of Chiropractic Examiners

2017 Strategic Goal Areas

#1 Licensing and Professional Qualifications

Ensure the continuous competency of all Doctors of Chiropractic by promoting licensing standards, professional conduct and requirements for continuing education.

#2 Enforcement

Enforce laws and regulations to ensure consumer protection.

#3 Laws and Regulations

Ensure that statutes, regulations, policies, and procedures strengthen and support the Board's mandate and mission.

#4 Organizational Effectiveness

Efficiently utilize resources to meet goals and objectives.

#5 Public Relations and Outreach

Communicate with consumers, licensees, governmental entities and stakeholders about the current and evolving practice of chiropractic and the regulation of the profession.

EXHIBIT

4

BOARD of CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

State of California
Edmund G. Brown Jr., Governor

Agenda Item 4
May 12, 2016

Update and Possible Action Regarding Legislation

Purpose of the item

This agenda item has been included to provide the Committee with an update on the bills staff is tracking during the current two-year legislative session.

Action(s) requested

The Committee will be asked to review and discuss the bills provided below. If necessary, the Committee will have an opportunity to take a position on any new or previously discussed bills.

Background

Board staff is currently tracking multiple bills during 2016 legislative session.

Bills staff are tracking

Support

Bill	Author	Title	Status	Position
AB 1992	Jones	Pupil health: physical examinations	**Dead**: Failed in Asm. B&P and reconsideration refused.	Support
AB 2407	Chavez	Workers' compensation	**Dead**: Comm. on Insurance: Bill retained in committee, and the subject matter referred to the Committee on Rules for assignment to the proper committee for study.	Support
SB 1033	Hill	Medical Board: disclosure of probationary status	In APPR: Hearing set for May 16th.	Support

Neutral

Bill	Author	Title	Status	Position
SB 1155	Morrell	Professions and vocations: licenses: military service.	Placed on APPR suspense file.	Comm: Neutral
SB 1217	Stone	Healing arts: reporting requirements: professional liability resulting in death or personal injury	**Dead:** Failed passage in B&P committee (4/18/16).	Comm: Neutral
AB 2744	Gordon	Healing arts: referrals	Passed to Consent Calendar.	Comm: Neutral

BOARD of CHIROPRACTIC EXAMINERS
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Watch

Bill	Author	Title	Status	Position
SB 1348	Cannella	Licensure applications: military experience	Placed on APPR suspense file.	Comm: Watch

Summary of Bills

Bill	Author	Summary	Amended
AB 1992	Jones	This bill would add chiropractors, naturopathic doctors, and nurse practitioners to the list of health care professionals authorized to perform a physical examination as a condition of participation in an interscholastic athletic program.	
AB 2407	Chavez	This bill would require medical providers treating injured workers with back injuries to assess the employee's level of risk for chronic back pain and determine if the criteria is met for a surgical consultation. This bill would specify that treatments that may be deemed appropriate after the assessment, including chiropractic manipulation.	4/27/16
AB 2744	Gordon	This bill would provide that payment or receipt of consideration for advertising, in which a licensee offers or sells prepaid services, is not referral of patients.	4/11/16
SB 1033	Hill	This bill would require the Medical Board of California (Board) through regulation to require a licensee on probation, for specific serious offenses, to disclose his or her probationary status to patients before each visit throughout the duration of probation. The bill would also require the Board to place each licensee's probation summary on various public documents and the Board's webpages.	3/17/16
SB 1155	Morrell	The bill would require every Board within DCA, to grant a fee waiver for the application for and issuance of an initial license to an individual who has been honorably discharged from the United States Armed Forces.	3/28/16
SB 1217	Stone	This bill would increase the reporting requirements from three thousand ($3,000) dollars to ten thousand dollars ($10,000) for any judgement or settlement requiring payment of damages for death or personal injury caused by a licensee's negligence, error, or omission in practice. The bill would also require Board files on individual licensees to include reported judgements or settlements with damages over $10,000.	4/12/16
SB 1348	Cannella	This bill would require DCA licensing Board's that currently allow veterans to apply military experience and training toward licensing requirements, to modify their application to advise veterans about their ability to apply that military experience and training towards their licensure requirements.	

Recommendation(s)

Any staff recommendations regarding Committee action are included on each individual bill's analysis.

Next Step

N/A

Attachment(s)

No attachments included