

2016 SUNSET REVIEW REPORT



Prepared for
California Legislature
Senate Committee on Business,
Professions and Economic Development

DEPARTMENT OF CONSUMER AFFAIRS

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No Information required/non applicable	58
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Board of Chiropractic Examiners

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of June 30, 2016

Section 1 –

Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.¹ Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

The Board of Chiropractic Examiners (BCE) was created on December 21, 1922, through an initiative measure approved by the electors of California on November 7, 1922. The BCE regulates the chiropractic profession in California. The BCE is committed to consumer protection and protects Californians from licensed and unlicensed individuals who engage in the fraudulent, negligent, or incompetent practice of chiropractic. The BCE oversees approximately 13,800 licensees and 20 chiropractic schools and colleges located throughout the United States and Canada.

Governed by a seven member BCE appointed by the Governor, the BCE is comprised of five licensed doctors of chiropractic and two members who represent the public. BCE members serve four-year terms.

The BCE is comprised of three units. The Administrative/Licensing Unit is responsible for licensee application and renewal processing, continuing education, administrative, and policy functions for the BCE. The two units within the BCE, which are primarily responsible for enforcement, are the Compliance Unit (CU) and the Field Investigations Unit (FIU). The CU handles complaint intake, conducts administrative investigations, recommends case dispositions to the executive officer and/or the compliance manager including those to be forwarded to the Attorney General for disciplinary action, issues letters of admonishment as well as citation and fines. The CU also serves as probation monitor to chiropractors whose licenses are on probation due to prior disciplinary action. The CU continues to refer approximately a quarter of its complaints received to the FIU. The FIU are non-sworn investigators and they conduct a field administrative investigation to complete the case.

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

The BCE has three standing committees. Each of these committees is comprised of at least three BCE members and staff, who provide technical and administrative input and support. The BCE Chair designates one member of each committee as the committee's chairperson. The chairperson

¹ The term "board" in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

coordinates the committee's work, ensures progress toward the BCE's priorities, and presents reports at each BCE meeting.

Licensing, Continuing Education, & Public Relations Committee

Proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration and continuing education providers and courses. The Committee also develops strategies to communicate with the public through various forms of media.

Enforcement & Scope of Practice Committee

The Committee proposes regulations, policies, and standards to ensure compliance with chiropractic law and regulations. The Committee continuously seeks ways to improve the BCE's enforcement activities. The Committee reviews and proposes positions on scope of practice issues.

Government Affairs & Strategic Planning Committee

The Committee proposes and reviews policies, procedures to address audit and Sunset review deficiencies. Works directly with the Executive Officer and staff to monitor budget expenditures, trends and the Contingent Fund levels. Reviews and recommends positions on legislative bills that affect the BCE. Oversees all administrative issues regarding BCE operations. Develops draft strategic plans and monitors the BCE's progress in achieving goals and objectives.

Table 1a. Attendance			
Frederick Lerner, D.C.			
Date Appointed:	2007		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	July 21, 2011	Los Angeles	Y
Board Meeting	September 15, 2011	Sacramento	Y
Board Meeting	November 17, 2011	Glendale	Y
Special Board Meeting	January 5, 2012	Sacramento	Y
Board Meeting	January 19, 2012	Sacramento	Y

Table 1a. Attendance			
Hugh Lubkin, D.C.			
Date Appointed	2007		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	July 21, 2011	Los Angeles	Y
Board Meeting	September 15, 2011	Sacramento	Y
Board Meeting	November 17, 2011	Glendale	Y
Special Board Meeting	January 5, 2012	Sacramento	Y
Board Meeting	January 19, 2012	Sacramento	Y
Board Meeting	March 22, 2012	Ontario	Y
Special Board Meeting	May 1, 2012	Sacramento	Y
Board Meeting	May 24, 2012	Sacramento	Y

Enforcement Committee Meeting	July 14, 2012	Sacramento	Y
Board Meeting	July 19, 2012	Sacramento	Y
Government Affairs Committee Meeting	August 30, 2012	Sacramento	Y
Enforcement Committee Meeting	August 30, 2012	Sacramento	Y
Board Meeting	September 20, 2012	Los Angeles	Y
Board Meeting	December 6, 2012	Sacramento	Y
Government Affairs Committee Meeting	January 10, 2013	Sacramento	Y
Government Affairs Committee Meeting	January 24, 2013	Sacramento	Y
Enforcement Committee Meeting	January 30, 2013	Sacramento	Y
Board Meeting	January 31, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	April 11, 2013	Sacramento	Y
Enforcement Committee Meeting	April 18, 2013	Sacramento	Y
Board Meeting	May 9, 2013	Burbank	N
Enforcement Committee Meeting	July 2, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 18, 2013	Sacramento	Y
Board Meeting	July 25, 2013	Sacramento	Y
Strategic Planning Meeting	July 25-26, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	August 22, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	October 3, 2013	Sacramento	Y
Enforcement Committee Meeting	October 24, 2013	Sacramento	Y
Board Meeting	October 29, 2013	Los Angeles	Y
Special Board Meeting	November 19, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	November 21, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	January 9, 2014	Sacramento	Y
Board Meeting	January 16, 2014	Sacramento	Y
Enforcement Committee Meeting	February 12, 2014	Sacramento	Y

Table 1a. Attendance			
Francesco Columbu, D.C.			
Date Appointed	2006		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	July 21, 2011	Los Angeles	Y
Board Meeting	September 15, 2011	Sacramento	N
Board Meeting	November 17, 2011	Glendale	Y
Special Board Meeting	January 5, 2012	Sacramento	Y
Board Meeting	January 19, 2012	Sacramento	Y
Board Meeting	March 22, 2012	Ontario	Y
Special Board Meeting	May 1, 2012	Sacramento	Y
Board Meeting	May 24, 2012	Sacramento	Y
Enforcement Committee Meeting	July 14, 2012	Sacramento	Y
Board Meeting	July 19, 2012	Sacramento	Y

Enforcement Committee Meeting	August 30, 2012	Sacramento	Y
Board Meeting	September 20, 2012	Los Angeles	Y
Board Meeting	December 6, 2012	Sacramento	N
Enforcement Committee Meeting	January 30, 2013	Sacramento	Y
Board Meeting	January 31, 2013	Sacramento	Y
Enforcement Committee Meeting	April 18, 2013	Sacramento	Y
Board Meeting	May 9, 2013	Burbank	Y
Enforcement Committee Meeting	July 2, 2013	Sacramento	Y
Board Meeting	July 25, 2013	Sacramento	Y
Strategic Planning Meeting	July 25-26, 2013	Sacramento	Y
Enforcement Committee Meeting	October 24, 2013	Sacramento	Y
Board Meeting	October 29, 2013	Los Angeles	Y
Special Board Meeting	November 19, 2013	Sacramento	Y
Board Meeting	January 16, 2014	Sacramento	Y

Table 1a. Attendance			
Jeffrey Steinhardt, D.C.			
Date Appointed	2009		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	July 21, 2011	Los Angeles	Y
Board Meeting	September 15, 2011	Sacramento	Y
Board Meeting	November 17, 2011	Glendale	Y
Special Board Meeting	January 5, 2012	Sacramento	Y
Board Meeting	January 19, 2012	Sacramento	Y
Board Meeting	March 22, 2012	Ontario	Y
Special Board Meeting	May 1, 2012	Sacramento	Y

Table 1a. Attendance			
Richard Tyler, D.C.			
Date Appointed	2004		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	July 21, 2011	Los Angeles	Y
Board Meeting	September 15, 2011	Sacramento	Y
Board Meeting	November 17, 2011	Glendale	Y
Board Meeting	January 5, 2012	Sacramento	Y
Board Meeting	January 19, 2012	Sacramento	Y
Board Meeting	March 22, 2012	Ontario	Y
Special Board Meeting	May 1, 2012	Sacramento	Y

Table 1a. Attendance			
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Julie Elginer, DrPH			
Date Appointed	2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	May 24, 2012	Sacramento	Y
Board Meeting	July 19, 2012	Sacramento	Y
Government Affairs Committee Meeting	August 30, 2012	Sacramento	Y
Board Meeting	September 20, 2012	Los Angeles	Y
Board Meeting	December 6, 2012	Sacramento	Y
Government Affairs Committee Meeting	January 10, 2013	Sacramento	Y
Government Affairs Committee Meeting	January 24, 2013	Sacramento	Y
Board Meeting	January 31, 2013	Sacramento	Y
Government Affairs Committee Meeting	April 5, 2013	Sacramento	Y
Government Affairs Committee Meeting	May 7, 2013	Sacramento	Y
Board Meeting	May 9, 2013	Burbank	Y
Government Affairs Committee Meeting	June 11, 2013	Sacramento	Y
Board Meeting	July 25, 2013	Sacramento	Y
Strategic Planning Meeting	July 25-26, 2013	Sacramento	Y
Government Affairs Committee Meeting	October 15, 2013	Sacramento	Y
Board Meeting	October 29, 2013	Los Angeles	Y
Special Board Meeting	November 19, 2013	Sacramento	Y
Board Meeting	January 16, 2014	Sacramento	Y
Enforcement Committee Meeting	February 12, 2014	Sacramento	Y
Government Affairs Committee Meeting	February 20, 2014	Sacramento	Y
Government Affairs Committee Meeting	April 8, 2014	Van Nuys	Y
Board Meeting	April 29, 2014	Whittier	Y
Government Affairs Committee Meeting	May 22, 2014	Sacramento	Y
Special Board Meeting	June 26, 2014	Sacramento	Y
Government Affairs Committee Meeting	July 1, 2014	Sacramento	Y
Board Meeting	July 17, 2014	Hayward	N
Special Board Meeting	September 25, 2014	Sacramento	Y
Government Affairs Committee Meeting	October 1, 2014	Sacramento	Y
Board Meeting	October 28, 2014	San Diego	Y
Government Affairs Committee Meeting	January 23, 2015	Sacramento	Y
Special Board Meeting	January 27, 2015	Sacramento	Y
Board Meeting	February 12, 2015	San Jose	Y
Government Affairs Committee Meeting	March 26, 2015	Sacramento	Y
Board Meeting	April 16, 2015	San Diego	Y
Government Affairs Committee Meeting	April 30, 2015	Sacramento	N
Government Affairs Committee Meeting	June 11, 2015	Sacramento	Y
Special Board Meeting	June 22, 2015	Sacramento	N
Government Affairs Committee Meeting	July 16, 2015	Sacramento	Y
Board Meeting	July 30, 2015	Sacramento	Y

Government Affairs Committee Meeting	October 22, 2015	Sacramento	Y
Board Meeting	October 27, 2015	Los Angeles	Y
Government Affairs Committee Meeting	January 14, 2016	Sacramento	Y
Board Meeting	January 28, 2016	Sacramento	Y
Government Affairs Committee Meeting	March 10, 2016	Sacramento	Y
Special Board Meeting	March 17, 2016	Sacramento	Y
Government Affairs Committee Meeting	April 7, 2016	Sacramento	Y
Government Affairs Committee Meeting	May 12, 2016	Sacramento	Y
Board Meeting	May 19, 2016	Whittier	Y
Government Affairs Committee Meeting	June 9, 2016	Sacramento	Y

Table 1a. Attendance			
Sergio Azzolino, D.C.			
Date Appointed	2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	May 24, 2012	Sacramento	Y
Enforcement Committee Meeting	July 14, 2012	Sacramento	Y
Board Meeting	July 19, 2012	Sacramento	Y
Enforcement Committee Meeting	August 30, 2012	Sacramento	Y
Board Meeting	September 20, 2012	Los Angeles	Y
Board Meeting	December 6, 2012	Sacramento	Y
Enforcement Committee Meeting	January 30, 2013	Sacramento	Y
Board Meeting	January 31, 2013	Sacramento	Y
Enforcement Committee Meeting	April 18, 2013	Sacramento	Y
Board Meeting	May 9, 2013	Burbank	Y
Enforcement Committee Meeting	July 2, 2013	Sacramento	Y
Board Meeting	July 25, 2013	Sacramento	Y
Strategic Planning Meeting	July 25-26, 2013	Sacramento	Y
Enforcement Committee Meeting	October 24, 2013	Sacramento	Y
Board Meeting	October 29, 2013	Los Angeles	Y
Special Board Meeting	November 19, 2013	Sacramento	Y
Board Meeting	January 16, 2014	Sacramento	Y
Enforcement Committee Meeting	February 12, 2014	Sacramento	Y
Enforcement Committee Meeting	April 29, 2014	Whittier	Y
Board Meeting	April 29, 2014	Whittier	Y
Enforcement Committee Meeting	June 26, 2014	Sacramento	Y
Special Board Meeting	June 26, 2014	Sacramento	Y
Board Meeting	July 17, 2014	Hayward	Y
Special Board Meeting	September 25, 2014	Sacramento	Y
Government Affairs Committee Meeting	October 1, 2014	Sacramento	Y

Board Meeting	October 28, 2014	San Diego	Y
Enforcement Committee Meeting	October 28, 2014	San Diego	Y
Special Board Meeting	January 27, 2015	Sacramento	Y
Enforcement Committee Meeting	January 27, 2015	Sacramento	Y
Board Meeting	February 12, 2015	San Jose	Y
Enforcement Committee Meeting	March 13, 2015	Sacramento	Y
Board Meeting	April 16, 2015	San Diego	Y
Enforcement Committee Meeting	May 12, 2015	Sacramento	Y
Special Board Meeting	June 22, 2015	Sacramento	Y
Board Meeting	July 30, 2015	Sacramento	Y
Board Meeting	October 27, 2015	Los Angeles	Y
Enforcement Committee Meeting	January 12, 2016	Sacramento	Y
Board Meeting	January 28, 2016	Sacramento	Y
Special Board Meeting	March 17, 2016	Sacramento	Y
Board Meeting	May 19, 2016	Whittier	Y

Table 1a. Attendance			
Heather Dehn, D.C.			
Date Appointed	2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	May 24, 2012	Sacramento	Y
Board Meeting	July 19, 2012	Sacramento	Y
Government Affairs Committee Meeting	August 30, 2012	Sacramento	Y
Board Meeting	September 20, 2012	Los Angeles	Y
Board Meeting	December 6, 2012	Sacramento	Y
Government Affairs Committee Meeting	January 10, 2013	Sacramento	Y
Government Affairs Committee Meeting	January 24, 2013	Sacramento	Y
Board Meeting	January 31, 2013	Sacramento	Y
Government Affairs Committee Meeting	April 5, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	April 11, 2013	Sacramento	Y
Government Affairs Committee Meeting	May 7, 2013	Sacramento	Y
Board Meeting	May 9, 2013	Burbank	Y
Government Affairs Committee Meeting	June 11, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 18, 2013	Sacramento	Y
Board Meeting	July 25, 2013	Sacramento	Y
Strategic Planning Meeting	July 25-26, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	August 22, 2013	Sacramento	N
Licensing/CE/PR Committee Meeting	October 3, 2013	Sacramento	Y
Government Affairs Committee Meeting	October 15, 2013	Sacramento	Y
Board Meeting	October 29, 2013	Los Angeles	Y

Special Board Meeting	November 19, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	November 21, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	January 9, 2014	Sacramento	Y
Board Meeting	January 16, 2014	Sacramento	Y
Government Affairs Committee Meeting	February 20, 2014	Sacramento	Y
Licensing/CE/PR Committee Meeting	March 27, 2014	Sacramento	Y
Licensing/CE/PR Committee Meeting	April 17, 2014	Sacramento	Y
Enforcement Committee Meeting	April 29, 2014	Whittier	Y
Board Meeting	April 29, 2014	Whittier	Y
Licensing/CE/PR Committee Meeting	June 26, 2014	Sacramento	Y
Enforcement Committee Meeting	June 26, 2014	Sacramento	Y
Special Board Meeting	June 26, 2014	Sacramento	Y
Board Meeting	July 17, 2014	Hayward	Y
Licensing/CE/PR Committee Meeting	August 21, 2014	Sacramento	Y
Special Board Meeting	September 25, 2014	Sacramento	Y
Licensing/CE/PR Committee Meeting	October 2, 2014	Sacramento	Y
Board Meeting	October 28, 2014	San Diego	Y
Enforcement Committee Meeting	October 28, 2014	San Diego	Y
Licensing/CE/PR Committee Meeting	January 22, 2015	Sacramento	Y
Special Board Meeting	January 27, 2015	Sacramento	Y
Enforcement Committee Meeting	January 27, 2015	Sacramento	Y
Board Meeting	February 12, 2015	San Jose	Y
Licensing/CE/PR Committee Meeting	February 26, 2015	Sacramento	Y
Enforcement Committee Meeting	March 13, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	March 19, 2015	Sacramento	Y
Board Meeting	April 16, 2015	San Diego	Y
Enforcement Committee Meeting	May 12, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	May 14, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	June 18, 2015	Sacramento	Y
Special Board Meeting	June 22, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 7, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 15, 2015	Sacramento	Y
Board Meeting	July 30, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	August 26, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	October 19, 2015	Sacramento	Y
Board Meeting	October 27, 2015	Los Angeles	Y
Enforcement Committee Meeting	January 12, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	January 19, 2016	Sacramento	Y
Board Meeting	January 28, 2016	Sacramento	Y
Special Board Meeting	March 17, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	March 30, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	April 18, 2016	Sacramento	Y

Board Meeting	May 19, 2016	Whittier	Y
Licensing/CE/PR Committee Meeting	June 7, 2016	Sacramento	Y

Table 1a. Attendance			
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Frank Ruffino			
Date Appointed	2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	January 31, 2013	Sacramento	Y
Government Affairs Committee Meeting	April 5, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	April 11, 2013	Sacramento	Y
Government Affairs Committee Meeting	May 7, 2013	Sacramento	Y
Board Meeting	May 9, 2013	Burbank	Y
Government Affairs Committee Meeting	June 11, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 18, 2013	Sacramento	Y
Board Meeting	July 25, 2013	Sacramento	Y
Strategic Planning Meeting	July 25-26, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	August 22, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	October 3, 2013	Sacramento	Y
Government Affairs Committee Meeting	October 15, 2013	Sacramento	Y
Board Meeting	October 29, 2013	Los Angeles	Y
Special Board Meeting	November 19, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	November 21, 2013	Sacramento	Y
Licensing/CE/PR Committee Meeting	January 9, 2014	Sacramento	Y
Board Meeting	January 16, 2014	Sacramento	Y
Government Affairs Committee Meeting	February 20, 2014	Sacramento	Y
Licensing/CE/PR Committee Meeting	March 27, 2014	Sacramento	Y
Government Affairs Committee Meeting	April 8, 2014	Van Nuys	Y
Enforcement Committee Meeting	April 29, 2014	Whittier	Y
Board Meeting	April 29, 2014	Whittier	Y
Government Affairs Committee Meeting	May 22, 2014	Sacramento	Y
Enforcement Committee Meeting	June 26, 2014	Sacramento	Y
Special Board Meeting	June 26, 2014	Sacramento	Y
Government Affairs Committee Meeting	July 1, 2014	Sacramento	Y
Board Meeting	July 17, 2014	Hayward	Y
Special Board Meeting	September 25, 2014	Sacramento	Y
Government Affairs Committee Meeting	October 1, 2014	Sacramento	Y
Board Meeting	October 28, 2014	San Diego	Y
Enforcement Committee Meeting	October 28, 2014	San Diego	Y
Government Affairs Committee Meeting	January 23, 2015	Sacramento	Y
Special Board Meeting	January 27, 2015	Sacramento	Y

Enforcement Committee Meeting	January 27, 2015	Sacramento	N
Board Meeting	February 12, 2015	San Jose	Y
Enforcement Committee Meeting	March 13, 2015	Sacramento	Y
Government Affairs Committee Meeting	March 26, 2015	Sacramento	Y
Board Meeting	April 16, 2015	San Diego	N
Government Affairs Committee Meeting	April 30, 2015	Sacramento	N
Enforcement Committee Meeting	May 12, 2015	Sacramento	Y
Government Affairs Committee Meeting	June 11, 2015	Sacramento	Y
Special Board Meeting	June 22, 2015	Sacramento	Y
Government Affairs Committee Meeting	July 16, 2015	Sacramento	Y
Board Meeting	July 30, 2015	Sacramento	Y
Government Affairs Committee Meeting	October 22, 2015	Sacramento	Y
Board Meeting	October 27, 2015	Los Angeles	Y
Enforcement Committee	January 12, 2016	Sacramento	Y
Government Affairs Committee Meeting	January 14, 2016	Sacramento	Y
Board Meeting	January 28, 2016	Sacramento	Y
Government Affairs Committee Meeting	March 10, 2016	Sacramento	Y
Special Board Meeting	March 17, 2016	Sacramento	Y
Government Affairs Committee Meeting	April 7, 2016	Sacramento	Y
Government Affairs Committee Meeting	May 12, 2016	Sacramento	Y
Board Meeting	May 19, 2016	Whittier	Y
Government Affairs Committee Meeting	June 9, 2016	Sacramento	Y

Table 1a. Attendance			
John Roza, D.C.			
Date Appointed	2014		
Meeting Type	Meeting Date	Meeting Location	Attended?
Licensing/CE/PR Committee Meeting	March 27, 2014	Sacramento	Y
Licensing/CE/PR Committee Meeting	April 17, 2014	Sacramento	Y
Board Meeting	April 29, 2014	Whittier	Y
Licensing/CE/PR Committee Meeting	May 22, 2014	Sacramento	Y
Licensing/CE/PR Committee Meeting	June 26, 2014	Sacramento	Y
Special Board Meeting	June 26, 2014	Sacramento	Y
Board Meeting	July 17, 2014	Hayward	Y
Licensing/CE/PR Committee Meeting	August 21, 2014	Sacramento	Y
Special Board Meeting	September 25, 2014	Sacramento	N
Licensing/CE/PR Committee Meeting	October 2, 2014	Sacramento	Y
Board Meeting	October 28, 2014	San Diego	Y
Licensing/CE/PR Committee Meeting	January 22, 2015	Sacramento	Y
Special Board Meeting	January 27, 2015	Sacramento	Y
Board Meeting	February 12, 2015	San Jose	Y

Licensing/CE/PR Committee Meeting	February 26, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	March 19, 2015	Sacramento	Y
Board Meeting	April 16, 2015	San Diego	Y
Licensing/CE/PR Committee Meeting	May 14, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	June 18, 2015	Sacramento	Y
Special Board Meeting	June 22, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 7, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 15, 2015	Sacramento	Y
Board Meeting	July 30, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	August 26, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	October 19, 2015	Sacramento	Y
Board Meeting	October 27, 2015	Los Angeles	Y
Licensing/CE/PR Committee Meeting	January 19, 2016	Sacramento	Y
Board Meeting	January 28, 2016	Sacramento	Y
Special Board Meeting	March 17, 2016	Sacramento	Y
Government Affairs Committee Meeting	April 7, 2016	Sacramento	Y
Government Affairs Committee Meeting	May 12, 2016	Sacramento	Y
Board Meeting	May 19, 2016	Whittier	Y
Government Affairs Committee Meeting	June 9, 2016	Sacramento	Y

Table 1a. Attendance			
Dionne McClain, D.C.			
Date Appointed	2014		
Meeting Type	Meeting Date	Meeting Location	Attended?
Government Affairs Committee Meeting	April 8, 2014	Van Nuys	Y
Board Meeting	April 29, 2014	Whittier	Y
Government Affairs Committee Meeting	May 22, 2014	Sacramento	Y
Special Board Meeting	June 26, 2014	Sacramento	N
Government Affairs Committee Meeting	July 1, 2014	Sacramento	Y
Board Meeting	July 17, 2014	Hayward	Y
Special Board Meeting	September 25, 2014	Sacramento	N
Government Affairs Committee Meeting	October 1, 2014	Sacramento	Y
Board Meeting	October 28, 2014	San Diego	Y
Government Affairs Committee Meeting	January 23, 2015	Sacramento	Y
Special Board Meeting	January 27, 2015	Sacramento	Y
Board Meeting	February 12, 2015	San Jose	Y
Government Affairs Committee Meeting	March 26, 2015	Sacramento	Y
Board Meeting	April 16, 2015	San Diego	Y
Government Affairs Committee Meeting	April 30, 2015	Sacramento	Y
Government Affairs Committee Meeting	June 11, 2015	Sacramento	Y
Special Board Meeting	June 22, 2015	Sacramento	Y

Government Affairs Committee Meeting	July 16, 2015	Sacramento	Y
Board Meeting	July 30, 2015	Sacramento	Y
Government Affairs Committee Meeting	October 22, 2015	Sacramento	Y
Board Meeting	October 27, 2015	Los Angeles	Y
Government Affairs Committee Meeting	January 14, 2016	Sacramento	Y
Board Meeting	January 28, 2016	Sacramento	Y
Government Affairs Committee Meeting	March 10, 2016	Sacramento	Y
Special Board Meeting	March 17, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	March 30, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	April 18, 2016	Sacramento	Y
Board Meeting	May 19, 2016	Whittier	Y
Licensing/CE/PR Committee Meeting	June 7, 2016	Sacramento	Y

Table 1a. Attendance			
Corey Lichtman, D.C.			
Date Appointed	2014		
Meeting Type	Meeting Date	Meeting Location	Attended?
Licensing/CE/PR Committee Meeting	April 17, 2014	Sacramento	N
Board Meeting	April 29, 2014	Whittier	Y
Licensing/CE/PR Committee Meeting	May 22, 2014	Sacramento	Y
Licensing/CE/PR Committee Meeting	June 26, 2014	Sacramento	Y
Special Board Meeting	June 26, 2014	Sacramento	Y
Board Meeting	July 17, 2014	Hayward	Y
Licensing/CE/PR Committee Meeting	August 21, 2014	Sacramento	Y
Special Board Meeting	September 25, 2014	Sacramento	N
Licensing/CE/PR Committee Meeting	October 2, 2014	Sacramento	Y
Board Meeting	October 28, 2014	San Diego	Y
Licensing/CE/PR Committee Meeting	January 22, 2015	Sacramento	Y
Special Board Meeting	January 27, 2015	Sacramento	Y
Board Meeting	February 12, 2015	San Jose	Y
Licensing/CE/PR Committee Meeting	February 26, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	March 19, 2015	Sacramento	Y
Board Meeting	April 16, 2015	San Diego	Y
Licensing/CE/PR Committee Meeting	May 14, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	June 18, 2015	Sacramento	Y
Special Board Meeting	June 22, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 7, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	July 15, 2015	Sacramento	Y
Board Meeting	July 30, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	August 26, 2015	Sacramento	Y
Licensing/CE/PR Committee Meeting	October 19, 2015	Sacramento	Y

Board Meeting	October 27, 2015	Los Angeles	Y
Licensing/CE/PR Committee Meeting	January 19, 2016	Sacramento	Y
Board Meeting	January 28, 2016	Sacramento	Y
Special Board Meeting	March 17, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	March 30, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	April 18, 2016	Sacramento	Y
Board Meeting	May 19, 2016	Whittier	Y
Licensing/CE/PR Committee Meeting	June 7, 2016	Sacramento	Y

Table 1b. Board/Committee Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Frederick Lerner, D.C.	2007		2011	Governor	Professional
Hugh Lubkin, D.C.	2007	2010	2014	Governor	Professional
Francesco Columbu, D.C.	2006	2010	2014	Governor	Professional
Jeffrey Steinhardt, D.C.	2009		2012	Governor	Professional
Richard H. Tyler, D.C.	2004	2008	2012	Governor	Professional
Julie Elginer, DrPH	2012	2012	2016	Governor	Public
Sergio Azzolino, D.C.	2012	2016	2020	Governor	Professional
Heather Dehn, D.C.	2012	2016	2020	Governor	Professional
Frank Ruffino	2012		2016	Governor	Public
John Roza, D.C.	2014		2018	Governor	Professional
Dionne McClain, D.C.	2014		2018	Governor	Professional
Corey Lichtman, D.C.	2014	2015	2019	Governor	Professional

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

No.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

Since the BCE's last sunset review in 2011, the following internal changes have occurred:

Appointment of New BCE Members

- The Governor appointed seven new BCE members and four have been reappointed.

Office Relocation

- Following the Governor's Reorganization Plan No. 2 of 2012, which moved the BCE under the umbrella of the Department of Consumer Affairs, the BCE office relocated from North Sacramento to its current location in Downtown Sacramento.

New Assistant Executive Officer Position and Appointment

- In 2015, the BCE reclassified its vacant Supervising Special Investigator position to a Staff Services Manager II position. Subsequent to the creation of the Field Investigations Unit in 2008, the BCE has eliminated its enforcement backlog and implemented internal controls to ensure timely processing of complaints and investigations. These improvements to the process and the resulting elimination of one of our special investigator positions, allowed the BCE to cut its vacant Supervising Special Investigator position. The Assistant Executive Officer position was established to execute specific enforcement actions and office operational functions in order to expedite the business of the BCE and to increase the health, safety, and welfare of consumers. This change had the dual benefit of increasing efficiency while having no fiscal impact to the BCE, as the Supervising Special Investigator & Staff Services Manager II classifications have similar pay scales.

Strategic Plan 2017-2020

- The BCE completes a Strategic Plan every three years. On July 28, 2016, the BCE, with the help the Department of Consumer Affairs (DCA), Office of Strategic Organization, Leadership & Individual Development (SOLID), conducted a strategic planning session. The BCE will finalize its completed 2017 – 2020 Strategic Plan in October 2016.
- The BCE created the 2014-2017 Strategic Plan in 2013 and has completed over 90% of the tasks included.

Consumer Protection Brochures

- With assistance from DCA's Office of Publications, Design and Editing, the Board Members, Executive Officer, BCE staff, and stakeholders worked collaboratively to reinstitute the BCE's newsletter and develop "A Consumer's Guide to Chiropractic Care" and a brochure about the practice of chiropractic and regulation of the profession by the BCE. These brochures were created to fulfill the BCE's Strategic Plan public outreach goal related to the education of consumers about chiropractic services. The Brochures are available in English and Spanish. They can be obtained by contacting the BCE office or downloaded from the BCE's website.

Administrative Procedures Manual

- The Board Member Administrative Procedures Manual (manual) was created in 2007. Since 2013, annually, the BCE has revised and adopted the Board Member Administrative Procedures Manual. The manual was created to serve as a reference guide for Board Members regarding the function of the BCE and its committees, roles of Board members, and procedures for Board and committee meetings. The manual also provides general information regarding BCE operating procedures, administration and staff, and other policies and procedures.

Legislative Bill Tracking Manual

- In 2013, Board Members in conjunction with staff, created a legislative bill-tracking manual (manual). The purpose of the manual is to provide Board Members with a comprehensive framework to understand the legislative process and the BCE's part in it. Additionally, the manual provides Board Members with the tools necessary to understand an analysis and take a position on a bill.

Legislation Affecting the BCE Since the Last Sunset Review

AB 2396, Bonta (Chapter 737, Statutes of 2014)

- This bill prohibits a board within DCA from denying a license based solely on a conviction that has been dismissed pursuant to section 1203.4, 1203.4a, or 1203.41 of the Penal Code and would require an applicant who has a conviction that has been dismissed pursuant to the above provisions to provide proof of the dismissal.

SB 1159, Lara (Chapter 752, Statutes of 2014)

- The bill requires applicants for professional licensure, other than a partnership, to provide a federal taxpayer identification number or social security number on their application for licensure and requires licensing entities to report individuals to the Franchise Tax Board who fail to provide such information.

AB 1588 (Atkins, Chapter 742, Statutes of 2012)

- This bill requires Boards within the DCA, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the Board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. The bill, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect. The bill requires a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license. The bill requires a licensee or registrant to notify the Board of his or her discharge from active duty within a specified time period.

Regulations Promulgated by the BCE:

Patient Records (Amended CCR Section 318 – Effective April 8, 2012)

- This regulation establishes the BCE's current 5-year record retention requirement as a minimum requirement if no other state or federal laws require a longer period of retention. The amendments to this section would also incorporate the informed consent requirements into the patient record requirements.

Use of Lasers (Added Section 302.5 – Effective July 14, 2012):

- This regulation establishes standards for the safe and appropriate use of lasers by chiropractors and their employers. This regulation prohibits the use of that are not approved by the U.S. Food and Drug Administration (FDA) or for treatments that are not consistent with the

FDA's approval. The regulation also prohibits the use of lasers outside the chiropractic scope of practice, including the laser treatment of allergies.

Name of Corporation (Deleted Section 367.7 – Effective October 1, 2013)

- The regulation repealed CCR Section 367.7 due to duplication of BPC Section 1054 and a conflicting requirement.

Sponsored Free Healthcare (Adopt Article 1.5, Added Sections 309, 309.1, 309.2, 309.3, 309.4 - Effective October 1, 2015) – *Mandated by the Legislature*

- This rulemaking establishes the requirements and procedures to allow out-of-state chiropractors with valid, current, and active licenses to practice chiropractic in sponsored free health care events in California.

Proposed Regulations:

Application for Licensure (CCR Section 321 & 364) – *Mandated by the Legislature*

- The regulation would amend the BCE application for licensure to comply with new legislation. The revision will assist the BCE in identifying past or present members of the military and their spouses in order to expedite the licensure process for these individuals. Additionally, the regulation would amend the continuing education (CE) regulations for consistency with the provisions of BPC section 114.3 to waive renewal fees, CE requirements, and other requirements for active duty members of the U.S. military. In addition, the regulation would allow the BCE to award up to 16 hours of CE credit to licensees who participate in the review and revision of the California Law and Professional Practices Examination. The BCE anticipates submitting the package to the Office of Administrative Law for approval in October 2016.

Consumer Protection Enforcement Initiative (CPEI):

- The regulation would add or amend eleven sections to the California Code of Regulations (CCR) to provide the BCE with greater enforcement authority to monitor licensees and applicants in order to protect chiropractic consumers. This package will be noticed in Q2 FY 2016-2017.

Uniform Standards Related to Substance Abuse and Disciplinary Guidelines and Model Disciplinary Orders – *Mandated by the Legislature*

- The uniform standards establish guidelines for monitoring licensees determined to be "Substance Abusing Licensees". The BCE's Disciplinary Guidelines will be revised to streamline the enforcement process, update references to reflect changes in statute and regulation and provide greater protection to consumers. The BCE anticipates noticing the package in Q3 2017.

4. Describe any major studies conducted by the board.

Revised the California Law and Professional Practice Examination

The BCE completed the review and revision of the California Law and Professional Practice Examination, which was in need of updating due to recent legislation and changes relevant to regulation of the profession. This examination promotes consumer protection by ensuring that

applicants for a chiropractic license With assistance from DCA's Strategic Planning and Development Unit, the Board Members, Executive Officer, BCE staff, and stakeholders worked collaboratively to update the BCE's Strategic Plan for 2014-17 and continually assures all goals objectives action planning are met

Occupational Analysis

March 2016, the BCE commenced work with DCA's Office of Professional Examination Services on an Occupational Analysis (OA). The OA will help define the practice of chiropractic in California in terms of actual job tasks that newly licensed chiropractors must be able to perform safely and competently at the time of licensure. The results of the OA, which is anticipated to be completed in the spring 2017, will serve as the basis for the development of any new chiropractic licensing examination in California.

5. List the status of all national associations to which the board belongs.

- Federation of Chiropractic Licensing Boards
- National Board of Chiropractic Examiners
- Association of Chiropractic Board Administrators

• Does the BCE membership include voting privileges?

Yes.

• List committees, workshops, working groups, task forces, etc., on which board participates.

The BCE is a member of the Federation of Chiropractic Licensing Boards, the National Board of Chiropractic Examiners, and the Association of Chiropractic Board Administrators.

• How many meetings did board representative(s) attend? When and where?

The BCE's Vice Chair was able to attend the 2016 California Chiropractic Association (CCA) Convention in San Diego. Her attendance at the Conference enabled her to observe the continuing education courses offered. Interacting with instructors and attendees can provide invaluable insights that the BCE can consider when promulgating continuing education regulations.

The BCE's Vice Chair was able to attend the 2016 National Board of Chiropractic Examiners (NBCE) and the Federation of Chiropractic Licensing Board meeting in Phoenix, AZ.

• If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

BCE Board Members are actively involved in the development of various phases of the national examination testing process. Board members also participate in the administration of the test, as testers, to assure that the test offered meets the goals and desires of the BCE to promote public safety and quality education.

The BCE's Board members served on Part IV test committees in 2016 and were invited to be part of the Part III test committees. They were an integral part of the Ethics and Boundaries testing development.

The national exam is psychometrically developed to assure quality testing, uniform testing, elimination of tester bias, and provide a structured, standardized fair and proven testing

process to help assure the promotion of public safety. Board members also take part in the annual National Board of Chiropractic Examiners (NBCE) convention, which provides the BCE with oversight and input in the process and goals of the national exam, and Board Members can participate as officers in the NBCE structure, participate in a wide variety of subjects that collectively make up the NBCE as one of the top standardized and structured testing entities in the US.

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.

Data is collected quarterly and reported on the Department's website at: http://www.dca.ca.gov/about_dca/cpei/index.shtml

7. Provide results for each question in the BCE customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

FY 2013/14

No Specific date is available for this fiscal year.

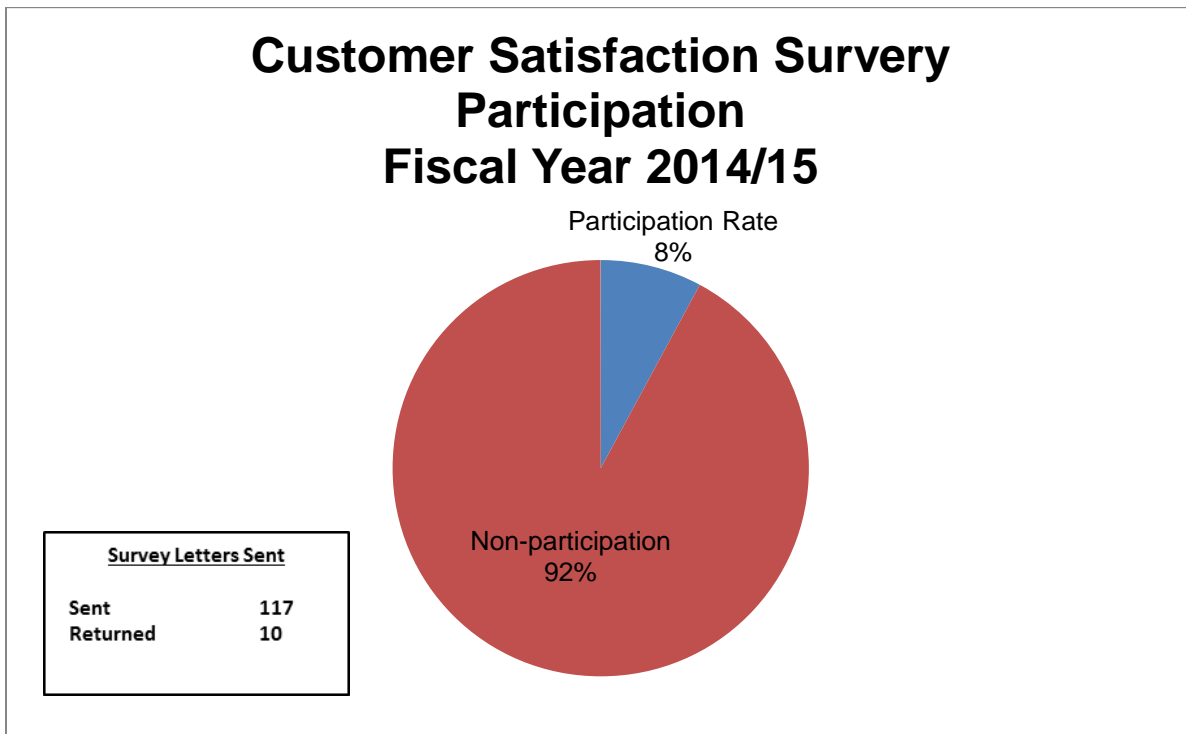
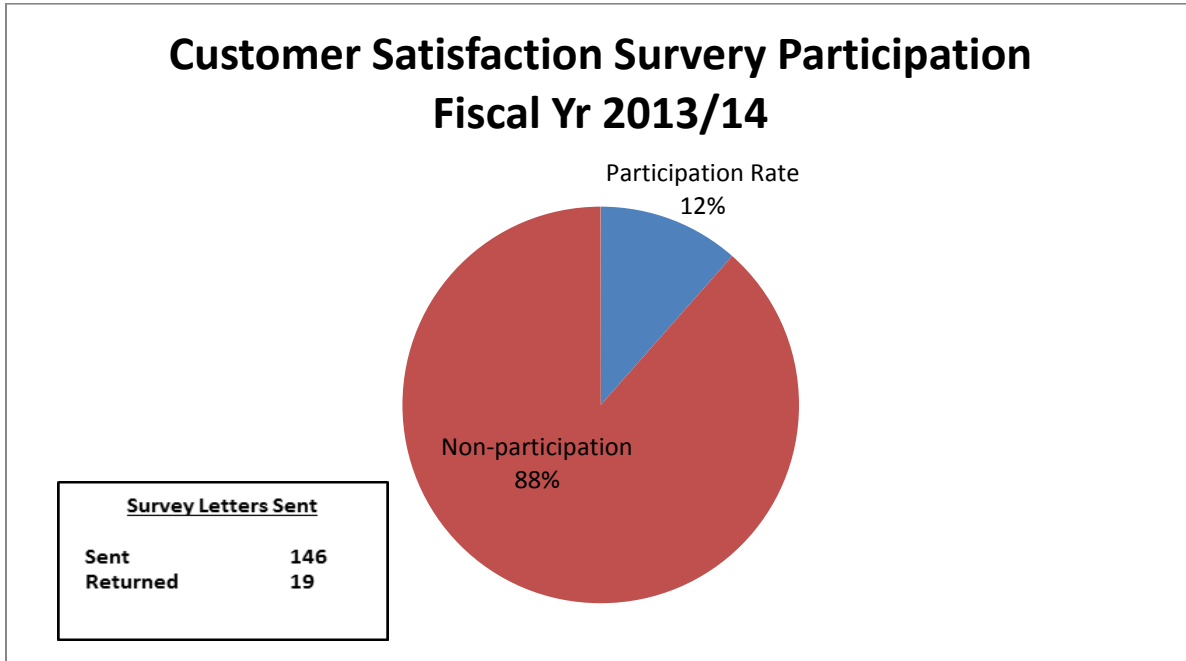
FY 2014/2015

RESULTS: Over 70% of consumers found out about the BCE through an internet search and 40% of consumers initially contacted the BCE about their complaint via our website. Over 66% of consumers strongly agreed or somewhat agreed that the BCE's service was courteous. Understandably, complaints closed for insufficient evidence or without merit are more likely to result in consumer dissatisfaction. As a result, this survey indicates that 80% of consumers were dissatisfied with how their complaint was handled by the BCE.

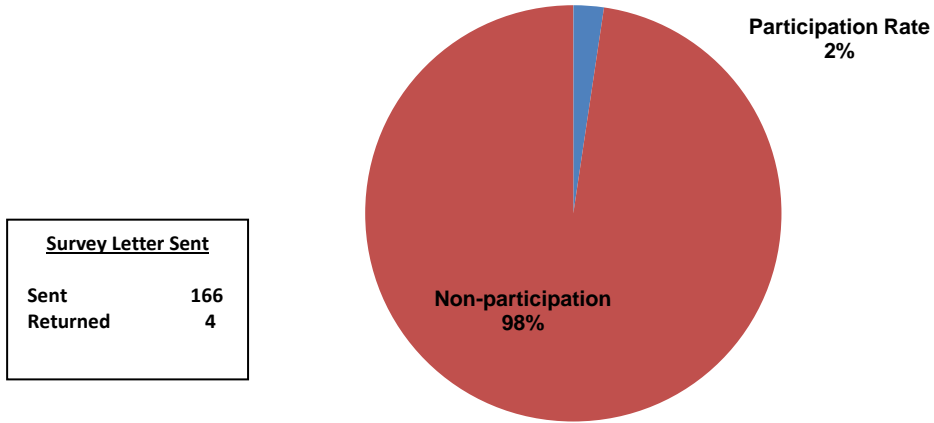
FY 2015/2016

RESULTS: 100% of consumers found out about the BCE through an internet search. However, 100% of consumers initially contacted the BCE about their complaint by regular mail. These results appear to indicate that consumers were able to locate the BCE's website and then navigate to our Consumer Complaint Form for use in filing a complaint. 100% of consumers somewhat agreed that the Board's service was courteous. Understandably, complaints closed for insufficient evidence or without merit are more likely to result in consumer dissatisfaction. As a result, this survey indicates that 100% of consumers were dissatisfied with how their complaint was handled by the BCE.

Total surveys sent out to consumers:



Customer Satisfaction Survey Participation Fiscal Year 2015/16



Below are the results for FY 2013/14 thru FY 2015/16 Enforcement Survey.

1. Please enter your complaint number listed on your letter you recently received.

2013/14	Year 2014/15	Year 2015/16
19	10	4

2. How did the complainant find out about the Board?

Response Choices	Response Volume		
	2013/14	2014/15	2015/16
Websearch	0	5	2
Friend or relative	0	1	0
Medical Provider	0	1	0
Other government agency	0	0	0
Total	0	7	2

3. How did the complainant initially contacted the Board regarding their complaint?

Response Choices	Response Volume		
	2013/14	2014/15	2015/16
Phone	0	3	0
In person	0	0	0
Regular Mail	0	3	2
Website	0	4	0
No Response	0	0	0
Total	0	10	2

4. Was the Board's service courteous?

Response Choices	Response Volume		
	2013/14	2014/15	2015/16
Yes, strongly agree	0	3	0
Somewhat agree	0	3	2
Somewhat disagree	0	1	0
No, strongly agree	0	2	0
Total	0	9	2

5. How satisfied they were with the time it took for the Board to resolve their complaint?

Response Choices	Response Volume		
	2013/14	2014/15	2015/16
Very Satisfied	0	2	0
Somewhat Satisfied	0	0	0
Somewhat dissatisfied	0	1	0
Very dissatisfied	0	7	2
Total	0	10	2

6. Overall, how satisfied were you with the way in which we handled your complaint?

Response Choices	Response Volume		
	2013/14	2014/15	2015/16
Very Satisfied	0	2	0
Somewhat Satisfied	0	0	0
Somewhat dissatisfied	0	0	0
Very dissatisfied	0	8	2
Total	0	10	2

7. Would you contact us again for a similar situation?

Response Choices	Response Volume		
	2013/14	2014/15	2015/16
Definitely	0	1	0
Probably	0	1	0
Probably not	0	2	1
Absolutely	0	4	1
Total	0	8	2

8. Asked the complainant to provide any comments they wished to provide.

Response Choices	Response Volume		
	2013/14	2014/15	2015/16
Comments received	0	8	2
Total	0	8	2

Fiscal Issues

8. Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

No.

9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

Currently, the BCE has a total of \$ 3 million program expenditures with \$ 2 million reserve and no statutory reserve level exists.

10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The BCE has a healthy reserve and does not anticipate a deficit in the foreseeable future.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Beginning Balance	1873	2361	2931	3437	2278	1526
Revenues and Transfers	3656	3632	6241	2210	3344	3338
Total Revenue	\$5529	\$5993	\$9172	\$5647	\$5622	\$4864
Budget Authority	3697	3823	3844	4051	4091	4091
Expenditures	3235	3070	5746	3369	4096	4178
Loans to General Fund	0	0	0	0	0	0
Accrued Interest, Loans to General Fund	0	0	0	0	0	0
Loans Repaid From General Fund	0	0	0	0	0	0
Fund Balance	\$2,294	\$ 2,923	\$3,425	\$2,278	\$1,526	\$686
Months in Reserve	9.0	6.1	12.2	6.7	4.4	1.9

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

None applicable. BCE does not have any prior or pending general fund loans.

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

	FY 2012/13		FY 2013/14		FY 2014/15		FY 2015/16	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	1,195,231	1,468,881	1,043,687	775,461	1,180,327	781,461	1,207,200	921,812
Examination	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Licensing	341,494	419,678	298,194	221,560	337,236	223,272	344,914	263,374
Administration *	170,747	209,839	149,097	110,780	168,618	111,636	172,457	131,687
DCA Pro Rata	N/A	66,820	N/A	431,646	N/A	376,618	N/A	439,104
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	\$1,707,472	\$2,165,218	\$1,490,978	\$ 1,539,447	\$ 1,686,181	\$ 1,492,987	\$ 1,724,571	\$ 1,755,977

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

13. Describe the amount the board has contributed to the BreZE program. What are the anticipated BreZE costs the board has received from DCA?

FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	Budget	Budget
3,674	11,274	62,212	4,827	96,308	48,922	47,859	130,308	95,308	113,308

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

Renewal cycles are annual. Assembly Bill 1996 (Hill 2010) increased the annual license renewal fee from \$150.00 to \$250.00 in 2011. BCE's fee authority is the Chiropractic Initiative Act of California section 12 and the California Code of Regulation section 370.

Fee	Current Fee Amount	Statutory Limit	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	FY 2015/16 Revenue	% of Total Revenue
Renewal Chiro License Fee	\$250.00	\$250.00	\$3,187,750.00	\$3,363,000.00	\$3,264,250.00	\$3,214,500.00	89.8%
Forfeiture Fee	\$250.00	\$250.00	\$51,500.00	\$53,000.00	\$49,500.00	\$37,500.00	1.05%
Renewal Satellite Certificate	\$5.00		\$10,270.00	\$12,680.00	\$12,955.00	\$13,755.00	.38%
Renewal Corp Registration	\$10.00		\$12,020.00	\$12,660.00	\$13,060.00	\$13,570.00	.38%
Application Fee	\$100.00	\$100.00	\$35,600.00	\$35,600.00	\$36,200.00	\$33,000.00	.92%

Licensure Fee	\$100.00	\$100.00	\$31,700.00	\$32,100.00	\$34,700.00	\$30,200.00	.84%
Corporation Application	\$100.00	\$100.00	\$9,600.00	\$11,300.00	\$11,300.00	\$9,900.00	.28%
Reciprocity Application	\$25.00	\$25.00	\$350.00	\$325.00	\$250.00	\$300.00	.008%
Referral Service Registration	\$25.00	\$25.00	\$0	\$25.00	\$25.00	\$25.00	.001%
Continuing Education Provider Application	\$75.00	\$75.00	\$5,025.00	\$4,050.00	\$4,350.00	\$2,325.00	.06%
Continuing Education Application	\$50.00	\$50.00	\$58,150.00	\$72,400.00	\$75,950.00	\$72,250.00	2.02%
Dup/Replacement License Fee	\$25.00		\$6,925.00	\$7,925.00	\$9,225.00	\$8,750.00	.2%
Satellite Application Fee	\$5.00		\$8,220.00	\$6,695.00	\$6,490.00	\$7,625.00	.2%
Fingerprint Reimbursements	Various	Various	\$4,590.00				
Miscellaneous	Various	Various	\$4,138.50	\$1,495.22	\$3,258.61	\$330.00	.001%
Cost Recovery	Various	Various	\$151,128.94	\$138,618.70	\$144,963.61	\$119,320.60	3.33%
Dishonored Check Fee	\$25.00	\$25.00	\$775.00	\$925.00	\$975.00	\$850	.02%
Cite and Fine	Various	Various	\$23,440.12	\$17,872.59	\$13,882.00	\$9,412.50	.26%

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)			NONE					
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA
NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA
NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA

Staffing Issues

16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The BCE is not experiencing any staff issues. The Executive Officer and management staff promote succession planning and will continue in-house leadership and back-up training to develop leaders and back-up staff who can contribute to principle functions, understand organizational principles and practices, embrace and manage changes, and make sound decisions. The BCE continues to back fill vacancies proactively.

17. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

The BCE spends approximately \$3,000 annually on staff training. The BCE provides its employees the resources/tools for upward mobility. The BCE's management provides coaching and mentoring for our employees in hope that the employee will demonstrate a desire to gain new knowledge, skills, and abilities in work to seek out the opportunities for upward mobility. The BCE encourages each employee to utilize the Department of Consumer Affairs' Training and Development Upward Mobility Program.

**Section 4 –
Licensing Program**

18. What are the board’s performance targets/expectations for its licensing² program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The BCE has no regulations stipulating the application processing time frame. The BCE has targets/expectations of 3 - 5 months to process new applications. The BCE is meeting the targets/expectations with a 3½ months average processing time-frame of new applications.

19. Describe any increase or decrease in the board’s average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications?

No.

If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The BCE is meeting the target expectations with an of 3 ½ months average processing time frame of new applications.

20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population					
		FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Doctor of Chiropractic	Active	13,427	13,402	13,337	13,262
	Out-of-State	941	932	910	877
	Out-of-Country	103	98	99	97
	Delinquent	1,377	1,207	1,068	1,050
Corporation	Active	1,320	1,361	1,399	1,402
	Out-of-State	3	2	1	2
	Out-of-Country	0	0	0	0
	Delinquent	793	838	882	942
Satellite Office	Active	3,774	3,612	3,829	3,955
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	3,263	3,668	4,133	4,637
Referral Service	Active	33	32	33	34
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	0	0	0	0

² The term “license” in this document includes a license certificate or registration.

Table 7a. Licensing Data by Type											
Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2013/14	(Exam)	356	332	20	N/A	108	NDA	NDA	16	129	
	(License)	321	321	25	321	0	NDA	NDA	71	84	
	(Renewal)	13,452	11,246	n/a	11,246	NDA	NDA	NDA	NDA	NDA	
FY 2014/15	(Exam)	362	359	21	N/A	98	NDA	NDA	17	154	
	(License)	347	347	18	347	0	NDA	NDA	37	110	
	(Renewal)	13,057	13,003	n/a	13,003	NDA	NDA	NDA	NDA	NDA	
FY 2015/16	(Exam)	330	324	17	N/A	111	NDA	NDA	15	119	
	(License)	302	302	15	302	0	NDA	NDA	31	78	
	(Renewal)	12,858	13,071	20	N/A	108	NDA	NDA	16	129	
* Optional. List if tracked by the board.											

Table 7b. Total Licensing Data			
	FY 2013/14	FY 2014/15	FY 2015/16
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	356	365	330
Initial License/Initial Exam Applications Approved	322	341	306
Initial License/Initial Exam Applications Closed	322	341	306
License Issued	322	341	306
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	108	98	111
Pending Applications (outside of board control)*	NDA	NDA	NDA
Pending Applications (within the board control)*	NDA	NDA	NDA
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	72.5	85.5	67
Average Days to Application Approval (incomplete applications)*	129	154	119
Average Days to Application Approval (complete applications)*	16	17	15
License Renewal Data:			
License Renewed	11,246	13,003	13,071
* Optional. List if tracked by the board.			

21. How does the board verify information provided by the applicant?

The BCE carefully reviews the official pre-chiropractic hours form from all BCE approved chiropractic colleges, attended by licensing applicants to ensure that all pre-chiropractic coursework has been completed prior to enrollment in their chiropractic college. In addition, we send our Chiropractic College Certificate to the chiropractic college attended by the applicant and require the college to fill in the number of hours completed in each required educational subject.

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The BCE requires all applicants to submit criminal background checks at the State and Federal levels.

- b. Does the board fingerprint all applicants?

Yes.

- c. Have all current licensees been fingerprinted? If not, explain.

The BCE adopted regulations effective January 14, 2011 requiring electronic criminal background checks for all licensees. If licensees were initially licensed prior to January 1, 1997 or if the BCE does not already have a record of an electronic submission, they must submit their fingerprints via Live Scan.

- d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

Yes, there is the National Practitioner Data Bank. No, the Board does not check the National Data Bank prior to issuing a license. However, the board requires an applicant to disclose all disciplinary actions prior to issuing a license. A licensee is required to report any disciplinary actions on their annual renewal form.

The Board previously attempted to promulgate regulations containing provisions requiring the BCE to annually check the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank prior to the issuance of a license or a renewal. However, the Department of Finance informed the BCE staff that it would not approve the proposed regulations because the cost of conducting the data bank checks would be \$46,391, initially, and \$90,350, ongoing, which cannot be absorbed within the BCE's existing budget appropriation. Therefore, the BCE withdrew this provision from the Omnibus Consumer Protection Regulations package and will pursue this authority in a separate regulation if we are able to get sufficient additional appropriation authority.

- e. Does the board require primary source documentation?

Yes.

22. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

Through the BCE's Act and Regulations, the BCE provides for reciprocal licensure for candidates licensed in other states. The candidate must have graduated from a BCE approved chiropractic college with the completion of the minimum number of hours and subjects as required by California law at the time the candidate's license was issued. Equivalent successful examination in each of the subjects examined in California in the same year as the candidate was issued a license in the state from which they are applying. They must hold a valid and up-to-date license

from the state from which they are reciprocating. The state from which they are licensed must offer reciprocal licensure to California chiropractors. The candidate must have five (5) years of chiropractic practice.

The BCE does not have the authority to grant reciprocal licensure to applicants who are licensed in another country.

23. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

The BCE expects to be compliant by October of 2016 when the regulation for Application for Licensure (CCR Section 321) goes into effect. The Board is currently requesting information from existing chiropractors whether or not they currently serve or have served in the military.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

None.

c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

The BCE has taken various actions to reduce barriers to entering the chiropractic profession for military veterans. The BCE has promulgated a regulation that would require applicants to identify if they have ever served in the U.S. Military or are a spouse or domestic partner of an active duty U.S. service member. Additionally, the BCE has implemented a process to expedite the processing of licensing applications from military veterans.

However, with regard to considering military education, training, and experience for licensure, the BCE has thus far taken no action. The requirements for chiropractic licensure are established in the Chiropractic Initiative Act. The stated qualifications are specific and provide the BCE with little to no discretion over what experience or education can be accepted. In the Chiropractic Initiative Act, there is no specific statute in place that addresses the acceptance of military training or experience for the purposes of licensure. Additionally, the military does not appear to offer training in or have a job classification relating to the practice of chiropractic.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 1143, and what has the impact been on board revenues?

The board has waived one license fee, which had a \$100 impact on BCE's revenues, which was insignificant and absorbable.

e. How many applications has the board expedited pursuant to BPC § 115.5?

None.

24. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

Yes, the Board notifies DOJ on an ongoing basis of no longer interested in receiving notifications.

Examinations

Table 8. Examination Data						
California Examination (include multiple language) if any:						
License Type		Doctor of Chiropractic				
Exam Title		California Law & Professional Practice Exam				
FY 2012/13	# of 1 st Time Candidates	319				
	Pass %	66%				
FY 2013/14	# of 1 st Time Candidates	331				
	Pass %	67%				
FY 2014/15	# of 1 st Time Candidates	342				
	Pass %	73%				
FY 2015/16	# of 1 st time Candidates	313				
	Pass %	69%				
Date of Last OA		N/A				
Name of OA Developer		N/A				
Target OA Date		N/A				
National Examination (include multiple language) if any:						
License Type		Chiropractor	Chiropractor	Chiropractor	Chiropractor	Chiropractor
Exam Title		Part I	Part II	Part III	Part IV	Physiotherapy
FY 2012/13	# of 1 st Time Candidates	2490	2406	2262	2217	2298
	Pass %	72.98%	71.74%	81.17%	89.58 %	89.96%
FY 2013/14	# of 1 st Time Candidates	2472	2444	2450	2378	2394
	Pass %	74.56%	71.77%	81.31%	89.74 %	86.97%
FY 2014/15	# of 1 st Time Candidates	2496	2327	2292	2257	2218
	Pass %	75.64%	72.97%	81.37%	89.46%	89.63%
FY 2015/16	# of 1 st time Candidates	2647	2426	2421	2298	2499
	Pass %	72.77%	70.90%	79.68%	89.03%	88.12 %
Date of Last OA		2015				
Name of OA Developer		NBCE				
Target OA Date		2020				

25. Describe the examinations required for licensure. Both National Boards and California law exam is required. Is a national examination used?

Yes. Is a California specific examination required? Yes. Are examinations offered in a language other than English? No.

26. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

The California specific examination does not capture retake statistics and only provides first time candidates pass and fails. No the other language is available.

27. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

BCE utilizes computer based testing for its California specific examination, which is available throughout the year in various locations throughout the US. The National exam is not computer based and is administered in Spring and Fall each year at various locations throughout the US. It is offered at three sites in California: Whittier, San Jose and Hayward.

28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School approvals

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The BCE regulations define the requirements needed to approve schools. Schools need to demonstrate that they meet the following requirements: supervision, financial management, records, catalog, calendar, faculty, student faculty ratio, faculty organization, scholastic regulations, curriculum, physical facilities, and quality of instruction. BPPE does not play a role in approving the BCE schools. BCE's regulation states that no school shall be approved until it has been inspected by the Council of Chiropractic Education (CCE). The CCE is the agency recognized by the U.S. Secretary of Education for accreditation of programs and institutions offering the doctor of chiropractic degree.

30. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The BCE has 20 BCE approved schools. The BCE regulation provides for reviews and inspections to be conducted by the CCE. CCE has established requirements to inspect/review schools on an eight-year cycle for established schools and four-year cycle for schools gaining initial accreditations. Typically, established school site visits occur at the four-year mark, halfway through the cycle.

31. What are the board's legal requirements regarding approval of international schools?

No school shall be approved, within the United State or internationally, until it has been in operation for at least two years, meets all regulatory requirements and is inspected by the CCE.

Continuing Education/Competency Requirements

32. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

No changes made since the last review.

Pursuant to CCR Section 361(e) Continuing Education Requirements, 24 hours are required as follows:

- 2 hours must be completed in: Ethics and Law
- 4 hours must be completed in any one of, or combination of the following subject categories:
 - History Taking and Physical Examination Procedures, OR
 - Chiropractic Adjustive Techniques, OR
 - Chiropractic Manipulation Techniques, OR
 - Ethical Billing and Coding
- 18 hours may be completed in General Subject Categories
- A maximum of twelve (12) continuing education hours may be completed through distance learning

a. How does the board verify CE or other competency requirements?

The BCE relies on yearly renewal slip self-certification and has regulatory authority to conduct random audits to verify compliance.

b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

The BCE has regulatory authority to conduct random audits to verify compliance. Regulations provide that a licensee shall retain documents of completion of continuing education courses for a period of four years and shall provide proof upon the BCE's request. The BCE conducts approximately 900 – 1,000 random audits per year.

c. What are consequences for failing a CE audit?

If a licensee furnishes false/misleading information or fails to complete the required continuing education requirements, they will be subject to disciplinary action, which would range from an educational letter, citation and fine, and/or the most severe, administrative discipline.

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

Fiscal 2012-2013 No specific data is available for this fiscal year.

Fiscal 2013-2014 473 audits 56 failed which is 12%

Fiscal 2014-2015 539 audits 97 failed which is 18%

Fiscal 2015-2016 572 audits so far and 93 failures so far which is 16%

e. What is the board's course approval policy?

The BCE regulations require each course application to include four documentations to be submitted: an hourly breakdown of the continuing education course; a final copy of the syllabus/course schedule with specifics included; a copy of the course brochure and all other promotional material to be used; and, curriculum vitae of each instructor. Staff will review, verify and analyze all documentation. Once complete, course applications will be submitted to the manager for review, approval/denial. Once approved, a notification letter is sent to the provider.

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

Continuing Education provider applications are reviewed then approved by BCE staff for completeness. The full Board will ratify any provider application approvals granted by staff at a subsequent Board meeting.

- g. How many applications for CE providers and CE courses were received? How many were approved?

Fiscal Year	Application Type	Received	Approved
2011/12	CE Providers	45	10
2012/13	CE Providers	67	73
2013/14	CE Providers	54	24
2014/15	CE Providers	58	26
2015/16	CE Providers	31	5

Fiscal Year	Application Type	Received	Approved
2011/12	CE Courses	981	1,014
2012/13	CE Courses	1,163	1,140
2013/14	CE Courses	1,448	1,431
2014/15	CE Courses	1,519	1,484
215/16	CE Courses	1,445	1, 421

- h. Does the board audit CE providers? If so, describe the board's policy and process.

Continuing education courses and providers are selected for an audit on a random basis or as a result of a compliance complaint. An expert reviewer or a designee appointed by the BCE shall have the right to inspect or audit any approved continuing education course or provider. The continuing education audit guidelines and requirements are followed during the audit. A report is generated detailing the findings of the audit. If violations are alleged, a complaint is opened and investigated.

- i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

The BCE has regulatory authority to conduct random audits to verify compliance and consequences for failing would range from an educational letter, citation and fine, and/or the most severe, administrative discipline.

BCE has not implemented continuing education competence assessments since the profession is specialized.

Section 5 – Enforcement Program

33. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

To ensure that DCA and its stakeholders can review DCA's progress in meeting its enforcement goals and targets, DCA has developed an easy- to-understand, transparent system of accountability – performance measures. The performance measures are critical, particularly during the current climate of budget constraint and economic downturn, for demonstrating that DCA is making and will continue to make the most efficient and effective use possible of its resources. Performance measures are linked directly to an agency's mission and vision, strategic objectives, and strategic initiatives.

DCA's measures for enforcement are based on the macro enforcement process. This will allow DCA to report on our progress with a consistent set of definitions.

Yes, BCE is meeting those expectations.

34. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The BCE's complaint intake statistics reflect an increase of 88 complaints received over the past four fiscal years as compared to the last review. The number of complaint cases pending at the close of each fiscal year averaged less than 100 cases, as compared to an average of 250 cases pending in the last review. This reflects a decrease of over 60% in pending cases at the close of each fiscal year as compared to the last review. This trend demonstrates management and staff's commitment to continuously improve the processing timeframes from complaint intake to case closure.

Working with the Department of Consumer Affairs, SOLID Training and Planning Solutions in 2014, BCE staff assisted in the development and implementation of an online consumer satisfaction survey in order to help improve customer service and provide feedback for staff. Prior to the online survey, the BCE enclosed a survey form with case closure letters to encourage complainants to return the completed surveys back to the BCE. However, the process had no value because the data was not being analyzed and we lacked a place/process to document the ratings and comments. Therefore, our case closure letters to complainants were updated to include a survey monkey link. The survey results are gathered by SOLID and reported to the board quarterly. The reports identify the number of responses received and a statistical breakdown for each question on the survey.

In 2015, the BCE conducted a mandatory expert consultant training to ensure continued quality review of our complaint and disciplinary cases. The expert consultant's role is extremely important in identifying whether a deviation from the chiropractic standard of care or unprofessional conduct has occurred, as well as testifying as a subject matter expert at our administrative hearings. The expert consultant's report is a critical resource in establishing violations by licensees or eliminating cases that do not warrant disciplinary action. Therefore, the BCE conducts training periodically to define the expectations of the expert review. Training

sessions were held in northern and southern California to accommodate applicants throughout the state.

Table 9a. Enforcement Statistics			
	FY 2013/14	FY 2014/15	FY 2015/16
COMPLAINT			
<i>Intake</i>			
<i>Received</i>	619	596	544
<i>Closed</i>	475	458	546
<i>Referred to INV</i>	89	86	82
<i>Average Time to Close</i>	100	172	149
<i>ng (close of FY)</i>	161	60	44
<i>Source of Complaint</i>			
<i>Public</i>	266	234	181
<i>Licensee/Professional Groups</i>	50	25	27
<i>Governmental Agencies</i>	42	14	40
<i>Other</i>	261	323	296
<i>Conviction / Arrest</i>			
<i>CONV Received</i>	117	64	67
<i>CONV Closed</i>	116	64	70
<i>Average Time to Close</i>	5	17	73
<i>CONV Pending (close of FY)</i>	3	3	0
LICENSE DENIAL			
<i>License Applications Denied</i>	2	1	0
<i>SOIs Filed</i>	6	2	0
<i>SOIs Withdrawn</i>	2	1	0
<i>SOIs Dismissed</i>	0	0	0
<i>SOIs Declined</i>	0	0	0
<i>Average Days SOI</i>	298	676	0
ACCUSATION			
<i>Accusations Filed</i>	28	23	31
<i>Accusations Withdrawn</i>	3	3	2
<i>Accusations Dismissed</i>	1	0	0
<i>Accusations Declined</i>	1	1	4
<i>Average Days Accusations</i>	870	924	391
<i>Pending (close of FY)</i>	64	65	66

Table 9b. Enforcement Statistics (continued)			
	FY 2013/14	FY 2014/15	FY 2015/16
DISCIPLINE			
<i>Disciplinary Actions</i>			
Proposed/Default Decisions	13	9	4
Stipulations	10	3	25

Average Days to Complete	1389	741	391
AG Cases Initiated	30	41	44
AG Cases Pending (close of FY)	64	65	66
Disciplinary Outcomes			
Revocation	13	9	4
Voluntary Surrender	8	9	9
Suspension	1	0	0
Probation with Suspension	4	2	4
Probation	20	17	15
Probationary License Issued	16	11	13
Other	0	2	4
PROBATION			
New Probationers	19	16	16
Probations Successfully Completed	17	23	27
Probationers (close of FY)	118	120	113
Petitions to Revoke Probation	10	6	8
Probations Revoked	5	2	1
Probations Modified	0	1	1
Probations Extended	0	1	4
Probationers Subject to Drug Testing	28	28	25
Drug Tests Ordered	503	531	469
Positive Drug Tests	6	29	16
Petition for Reinstatement Granted	1	0	1
DIVERSION			
New Participants	n/a	n/a	n/a
Successful Completions	n/a	n/a	n/a
Participants (close of FY)	n/a	n/a	n/a
Terminations	n/a	n/a	n/a
Terminations for Public Threat	n/a	n/a	n/a
Drug Tests Ordered	n/a	n/a	n/a
Positive Drug Tests	n/a	n/a	n/a

Table 9c. Enforcement Statistics (continued)			
	FY 2013/14	FY 2014/15	FY 2015/16
INVESTIGATION			
All Investigations			
First Assigned	612	596	554
Closed	565	545	629
Average days to close	133	204	173
Pending (close of FY)	225	276	201
Desk Investigations			
Closed	488	455	531
Average days to close	100	173	149
Pending (close of FY)	161	216	157
Non-Sworn Investigation			
Closed	77	90	98
Average days to close	341	363	303
Pending (close of FY)	64	60	44
Sworn Investigation			
Closed	n/a	n/a	n/a
Average days to close	n/a	n/a	n/a
Pending (close of FY)	n/a	n/a	n/a
COMPLIANCE ACTION			
ISO & TRO Issued	1	1	1
PC 23 Orders Requested	3	5	2
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	5	3	4
Referred for Diversion	n/a	n/a	n/a
Compel Examination	0	0	0
CITATION AND FINE			
Citations Issued	31	28	18
Average Days to Complete	242	289	178
Amount of Fines Assessed	\$27,600.00	\$30,900.00	\$21,950.00
Reduced, Withdrawn, Dismissed	9	8	9
Amount Collected	\$22,137.59	\$19,587.50	\$16,137.50
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

Table 10. Enforcement Aging						
	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	17	8	8	13	46	24%
2 Years	23	12	14	22	71	36%
3 Years	13	12	7	5	37	19%
4 Years	5	4	4	0	13	66%
Over 4 Years	11	7	7	3	28	14%
Total Cases Closed	69	43	40	43	195	159%
Investigations (Average %)						
Closed Within:						
90 Days	3	12	8	14	37	11%
180 Days	12	13	21	18	64	19%
1 Year	42	33	25	37	137	41%
2 Years	13	13	32	23	81	24%
3 Years	2	2	1	4	9	3%
Over 3 Years	1	4	3	2	10	3%
Total Cases Closed	73	77	90	98	338	101%

35. What do overall statistics show as to increases or decreases in disciplinary action since last review?

Compared to the last review, statistics show a decrease of 53% in disciplinary cases, which resulted in proposed or default decisions. Disciplinary cases that resulted in stipulated decisions decreased by 41% compared to the last review.

There was a decrease of 56% in accusations referred to the Attorney General's office over the last three fiscal years as compared to the last review.

The cycle time from the date a case was received as a complaint to the date when the disciplinary order was issued reflects a decrease of 31%.

The total count of pending disciplinary cases at the close of the last three fiscal years as compared to the last review indicates a decrease of 49%.

36. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

Within five (5) business days of receipt, the complaint is reviewed by the Complaint Intake Analyst to determine the following:

- 1.) Urgent – open and assign within five (5) business days
- 2.) High or Routine – open and assign within ten (10) business days

37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

Yes. Business and Professions Code (B&P) Section 801 requires Insurers to report settlements over \$3,000.00. B&P Section 802 requires licensees to report settlement awards over \$3,000.00. B&P Section 803 requires courts to report judgments in excess of \$30,000.00. The board is not aware of any problems receiving these reports as we receive them on a routine basis.

a. What is the dollar threshold for settlement reports received by the board?

The dollar "threshold" for malpractice settlement reports received by the BCE is \$3,000.

b. What is the average dollar amount of settlements reported to the board?

FY 2013/2014: \$78,558

FY 2014/2015: \$205,789

FY 2015/2016 \$104,947

38. Describe settlements the BCE, and Office of the Attorney General on behalf of the board enter into with licensees.

In lieu of an administrative hearing, the board and a licensee may enter into an agreement called a Stipulated Settlement and Disciplinary Order. This action usually results in probation with applicable terms and conditions placed on the license.

As an alternative to an administrative hearing or board probation, some licensees elect to voluntarily surrender their license. This agreement between the BCE and a licensee is called a Stipulated Surrender of License and Disciplinary Order.

a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

The BCE does not enter into stipulated settlements before an accusation has been served upon a licensee (pre-accusation). Over the past four years, 38 disciplinary cases proceeded to administrative hearings.

b. What is the number of cases, post-accusation, that the board settled for the past four years, compare?

The BCE entered into an agreement with the licensee in 123 stipulated settlement cases over the past four years. 38 disciplinary cases proceeded to an administrative hearing over the past four years.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

Of the overall disciplinary cases that settled or preceded to hearing (161), 76% were stipulated settlements as compared to 24%, which proceeded to administrative hearings.

39. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

No. BCE does not have a statute of limitations; however, California Code of Regulations Section 318(a) only requires chiropractors to maintain patient records for five (5) years from the last treatment date.

40. Describe the board's efforts to address unlicensed activity and the underground economy.

The BCE is authorized to impose citations and fines upon any individuals found to be in violation of any law or regulation governing the practice of chiropractic in California.

The BCE is authorized to impose citations and fines upon any individuals found to be in violation of any law or regulation governing the practice of chiropractic in California.

Cite and Fine

41. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

The BCE regulations allow the ability to attach fines to issued citations with the maximum fine of \$5,000. An order of abatement is attached with the issued citation to educate, require and monitor compliance.

If citation fines are unpaid, the BCE has the ability to utilize the Interagency Intercept Collections Program (Intercept). This program is administered by the Franchise Tax Board (FTB) and works directly with the State Controllers Office (SCO) to deliver the funds to the participating agencies. The monies are intercepted from the debtors, via lottery winnings and tax refunds. The BCE will allow for a repayment plan in extenuating circumstances.

42. How is cite and fine used? What types of violations are the basis for citation and fine?

The BCE is authorized to impose citations and fines upon any individuals found to be in violation of any law or regulation governing the practice of chiropractic in California. A citation or citation with fine is used to address less serious violations that are technical or minor in nature.

43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

The board conducted 43 informal citation/fine conferences in the last four fiscal years. There were a total of four citation/fine-administrative hearings in the last four fiscal years.

44. What are the 5 most common violations for which citations are issued?

The five most common violations are; failure to maintain records, failure to provide records, failure to comply with a continuing education audit, failure to file current practice address with the BCE, and unlicensed practice.

45. What is average fine pre- and post- appeal?

The average fine pre-appeal for the last four fiscal years is \$743.00. The average fine post-appeal is \$677.00.

46. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

Monies which are due to the BCE are sometimes left unpaid and become delinquent. To assist with the collection process of these funds, the BCE utilizes the Intercept program. This program is administered by the FTB and works directly with the SCO to deliver the funds to the participating agencies. The monies are intercepted from the debtors, via lottery winnings and tax refunds.

Cost Recovery and Restitution

47. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

Many accusation cases that conclude in revocation/probation require cost recovery funds as part of the order, in addition there are often citations issued that have fines attached to them. These monies which are due to the BCE are sometimes left unpaid and become delinquent.

Since the last review, to assist with the collection process of these funds the BCE utilizes the Intercept program. This program is administered by the FTB and works directly with the SCO to deliver the funds to the participating agencies. The monies are intercepted from the debtors, via lottery winnings and tax refunds.

48. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

Table 11 demonstrates the number and amounts ordered for cost recovery. In some circumstances, the BCE will allow for a repayment plan to pay cost recovery.

The chart reveals that the citations are currently collectable.

49. Are there cases for which the board does not seek cost recovery? Why?

The BCE always seeks cost recovery when pursuing formal discipline against a licensee. However, if a case goes to an administrative hearing, the Administrative Law Judge may reduce or eliminate the cost recovery as part of his/her order. Also, when settling a case prior to hearing, the BCE may agree to reduce the amount of cost recovery upon a showing of financial hardship or if the licensee agrees to pay restitution to the patient/complainant.

50. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

Many accusation cases that conclude in revocation result in cost recovery funds associated with them, in addition there are often citations issued that have fines attached to them. These monies which are due to the BCE are sometimes left unpaid and become delinquent.

To assist with the collection process of these funds, the BCE utilizes the Interagency Intercept Collections Program (Intercept). This program is administered by the Franchise Tax Board (FTB) and works directly with the State Controller's Office (SCO) to deliver the funds to the participating agencies. The monies are intercepted from the debtors, via lottery winnings and tax refunds.

51. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The BCE's Disciplinary Guidelines include a term and condition of probation for consumer restitution. If a consumer has suffered financial harm related to a licensee's violations, the BCE

will attempt to require restitution through the disciplinary process. Since the majority of cases where restitution would be a factor are a result of a criminal conviction for insurance fraud or sexual misconduct, the licensee is typically required to provide consumer restitution through the criminal justice system.

Table 11. Cost Recovery (list dollars in thousands)				
	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Total Enforcement Expenditures	2,664,112	1,819,148	1,961,788	2,129,012
Potential Cases for Recovery *	34	30	41	44
Cases Recovery Ordered	34	17	12	17
Amount of Cost Recovery Ordered	\$167,630.81	\$121,228.00	\$86,405.81	\$75,782.50
Amount Collected	\$137,733.28	\$123,437.10	\$108,714.56	\$89,544.28
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Table 12. Restitution (list dollars in thousands)				
	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Amount Ordered	NDA	NDA	NDA	NDA
Amount Collected	NDA	NDA	NDA	NDA

Section 6 – Public Information Policies

52. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

All board meetings are recorded and when technology is available they are live webcast. The BCE does not post draft meeting minutes but will post final minutes following the approval of the minutes after a board meeting. This information will stay on the website indefinitely. Additionally, the BCE utilizes Twitter, Facebook and email subscription to relay important updates.

53. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long to webcast meetings remain available online?

Yes, the BCE webcast all its board and committee meetings. All meeting dates are posted in January of each year.

54. Does the board establish an annual meeting calendar, and post it on the board's web site?

Yes, it is posted on the website.

55. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

Yes.

56. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The BCE's web site is continually being updated. The consumer can verify license status and check disciplinary actions or citations on-line, as well as access consumer complaint processing information. All of the BCE's forms are available on the web site. The BCE releases licensee information to the public pursuant to the Public Records Act; i.e., date of licensure, primary place of practice, license status and disciplinary action, if any. This same information can be obtained via the BCE's web site. The BCE has no requirements that licensees provide information pertaining to awards, certificates, certifications or specialty areas.

57. What methods are used by the board to provide consumer outreach and education?

The BCE continues to utilize its website to provide pertinent information, forms/applications, laws and regulations, proposed regulations, board meeting materials and minutes, board and committee meeting webcasts, newsletters, and other important notices for the public.

The BCE has an Ambassador Program that allows individuals to request speakers to discuss consumer and professional topics at meetings and events throughout the state. The Ambassador Program Request form is located on our website.

Additionally, the BCE utilizes Twitter, Facebook and email subscription to the BCE group email notification to relay important updates.

The BCE created the follow on-line publications:

- [A Guide to the Chiropractic Profession-](http://www.chiro.ca.gov/publications/15-332_Licensee_Guide_Web.pdf)
http://www.chiro.ca.gov/publications/15-332_Licensee_Guide_Web.pdf
- [A Guide to the Chiropractic Profession- Spanish](http://www.chiro.ca.gov/publications/15-332_Licensee_Guide_Final_ES.pdf)
http://www.chiro.ca.gov/publications/15-332_Licensee_Guide_Final_ES.pdf
- [About Us Pamphlet](http://www.chiro.ca.gov/publications/about_board_pub.pdf)
http://www.chiro.ca.gov/publications/about_board_pub.pdf
- [About Us Pamphlet- Spanish](http://www.chiro.ca.gov/publications/about_board_span_pub.pdf)
http://www.chiro.ca.gov/publications/about_board_span_pub.pdf
- [A Consumer's Guide to Chiropractic Care](http://www.chiro.ca.gov/publications/chiro_consumer_guide.pdf)
http://www.chiro.ca.gov/publications/chiro_consumer_guide.pdf
- [A Consumer's Guide to Chiropractic Care- Spanish](http://www.chiro.ca.gov/publications/chiro_consumer_guide_span.pdf)
http://www.chiro.ca.gov/publications/chiro_consumer_guide_span.pdf
- [Newsletters](http://www.chiro.ca.gov/about_us/newsletters.shtml)
http://www.chiro.ca.gov/about_us/newsletters.shtml
- [Strategic Plan 2014-2017](http://www.chiro.ca.gov/about_us/strat_plan_2014.pdf)
http://www.chiro.ca.gov/about_us/strat_plan_2014.pdf

Section 7 – Online Practice Issues

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

Online practice is not prevalent. Pursuant to Business & Profession Code 686, all Chiropractors practicing telehealth are subject to adhere the Chiropractic Initiative Act of California and California Code of Regulations.

Section 8 – Workforce Development and Job Creation

59. What actions has the board taken in terms of workforce development?

The BCE is not mandated in terms of workforce development. However, the BCE has assessed no impact of licensing delays for job creations in the chiropractic field. Completed applications take an average of 23 days to process with incomplete applications averaging 300 days. Typically, applications are processed within 3 ½ months.

60. Describe any assessment the board has conducted on the impact of licensing delays.

The BCE has assessed no impact of licensing delays for job creations in the chiropractic field.

61. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

BCE board members are involved in speaking engagements at various chiropractic schools. The audiences they address are students and graduates. They convey issues surrounding the chiropractic field and relay pertinent information regarding the BCE that will assist the graduates when pursuing licensure with the BCE. BCE has made an effort to have public board meetings at chiropractic colleges in both northern and southern California.

62. Describe any barriers to licensure and/or employment the board believes exist.

The BCE is unaware of any barriers.

63. Provide any workforce development data collected by the board, such as:

- a. Workforce shortages
- b. Successful training programs.

The BCE has noticed a slight drop in the number of licensed chiropractors. This may be due to retirement or the economy. However, the BCE is unaware of any workforce shortages in the field of chiropractic medicine.

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

The regulation to implement the Uniform Standards is currently under development at the Board. The BCE anticipates noticing the package in Q3 of fiscal year 2016-2017.

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The regulation package is currently under review at the Department of Consumer Affairs in anticipation of noticing it for a 45-day comment period. Board anticipates noticing the packing in Q2 of fiscal year 2016-2017.

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

No, the BCE is not currently utilizing the BreEZe system.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

The BCE is not currently utilizing the BreEZe system. However, the BCE has been working with DCA's Executive Office and Office of Information Services to find a solution to satisfy the BCE's IT needs. BCE staff has met with DCA's Office of Information Services and has agreed to develop a plan that would place the BCE on a track to procure an IT system that fits its IT needs. The BCE anticipates commencing this process to replace the current IT platform in Q3 2016-2017.

Background and the proposed process to procure a new IT platform can be found below:

All programs formerly included in Release 3 will, based on current Department strategy, follow the below steps to determine the near term road map for an IT platform replacement effort:

1. Per BSA 2014 findings, all programs will perform thorough business planning to determine and document a platform's functional requirements specific to each program, and not from a departmental perspective. The business planning will include:

- a. Inventory all business processes
- b. Document Business Process Diagrams (BPD) for each business process
- c. Document use cases for each BPD
- d. Develop a functional requirement specification

2. Follow the Project Approval Lifecycle (PAL) required by the CA Department of Technology (CDT) for all IT efforts. The PAL process includes four stages outlined by SIMM 19. The PAL

process will navigate business justification, cost benefit analysis, alternatives analysis, and fiscal analysis. This effort will facilitate the decisions around the program's IT platform choice.

3. Execute an IT project per the details and approvals resulting from the PAL process, and implement the chosen IT platform.

Include the following:

1. Background information concerning the issue as it pertains to the board.

Consumer Protection Enforcement Initiative (CPEI)

The BCE CPEI regulatory proposal would make changes to enhance the BCE's enforcement and administrative processes by defining terms in regulation, establishing reporting and disclosure requirements, and amending regulations specific to its disciplinary guidelines and applicant requirements. The BCE is proposing these changes in order to increase the BCE's enforcement authority and access to critical information for use in investigations to improve efficiency in enforcement processes and procedures for enhanced consumer protection.

However, the BCE has been unsuccessful in completing the regulation package. Since January 2013, the package has been under development in the BCE Enforcement Committee and has come to the full BCE multiple times to review and discuss complicated policy issues that have been raised. The process has been prolonged due to various issues such as BCE Member concerns with specific provisions, the Governor's Reorganization Plan, changing legal counsel and opinions on policy issues, staffing and workload concerns, and the prioritization of legislatively mandated regulations.

Following guidance from the AG's office and DCA's Office of Legal Affairs, the BCE has moved forward in efforts to promulgate this regulation. The package is under review with the DCA and the BCE hopes to notice the regulation package in Q2 of fiscal year 2016-2017.

Uniform Standards for Substance Abusing Licensee

Since the 2013 Sunset Hearing, the BCE had been developing a regulation that would incorporate the Uniform Standards for Substance Abusing Licensees into the Disciplinary Guidelines. The Uniform Standards have been subject to delays related to completing the CPEI package and a recommendation from legal counsel to cease work on the Uniform Standards until the DCA received an Attorney General opinion regarding the implementation of the Uniform Standards for Substance Abusing Licensees.

The DCA received the AG opinion in February 2016 and provided guidance to its programs on how to proceed with the regulation package shortly thereafter. Therefore, the BCE has not promulgated a regulation to incorporate by reference the Uniform Standards into the Disciplinary Guidelines. However, the BCE would like to promulgate a regulation regarding this topic in Q3 of fiscal year 2016/2017.

Governor's Reorganization

Effective July 1, 2013, the Governor's Reorganization Plan moved the BCE under the oversight of the Department of Consumer Affairs. Since then, the BCE has had a relatively seamless transition to the DCA. Many of the practices and procedures of the BCE were in line with how things were done at the Department. The BCE worked with the Department to ensure accounting, payroll, human resources and other fiscal components transitioned smoothly. The BCE has since utilized DCA's SOLID Training & Planning Solutions to complete two strategic

plans and worked with various programs and units within the Department to complete multiple projects.

BPC 114.3 (Waiving Renewal Fees and other requirements)

The BCE has promulgated a regulation package titled Application for Licensure and Continuing Education. The package amends the Application for Licensure and Continuing Education Requirements. The proposal seeks to amend the BCE application form, incorporated by reference, to include recent statutory changes that would provide an exemption from Continuing Education for licensees on active duty in the military or the California National Guard.

The package is under review with the DCA and the BCE anticipates the submission of the package to the Office of Administrative Law for approval in Q2 of fiscal year 2016/2017.

BPC 115.5 (Expedite Licensure for Military Spouses)

The Application for Licensure and Continuing Education regulation package would amend the BCE application form, to include recent statutory changes that assist past and present members of the U.S. military and their spouses or domestic partners who have professional or occupational licenses to obtain licensure in California. The Application for Licensure and Continuing Education regulation package would establish a process for identifying past and present members of the U.S. military and their spouses or domestic partners, thereby enabling the BCE to expedite the processing of their applications.

The package is under review with the DCA and the BCE hopes to submit the package to the Office of Administrative Law for approval in Q2 of fiscal year 2016/2017

Administrative Procedures Manual

The Board Member Administrative Procedures Manual (manual) was created in 2007. Since 2013, annually, the BCE has revised annually and adopted the manual. The manual was created to serve as a reference guide for Board Members regarding the function of the BCE and its committees, roles of BCE members, and procedures for BCE and committee meetings. The manual also provides general information regarding BCE operating procedures, administration and staff, and other policies and procedures.

Consumer Satisfaction Survey

Traditionally, the BCE has mailed a survey out to consumers following the closure of a complaint. However, very few are returned. Since the last Sunset Review, the BCE has developed and deployed an electronic survey that makes it easier for consumers to complete and return.

Increase the size of the BCE by two public members

The BCE's position on this issue remains unchanged. The BCE is open to the idea of increasing the public representation on this BCE. The BCE embraces the perspective gained by non-licensee members on the issues that face consumers and the profession. However, the fiscal concerns related to amending the Chiropractic Initiative Act have not changed. The Act can only be amended by the voters of California through the ballot initiative process. Our last

estimate in 2005 placed the cost of putting a measure on the ballot over \$200,000. The fiscal and political realities become a deterrent to the addition of public members to the BCE.

2. Short discussion of recommendations made by the Committees during prior sunset review.

Consumer Protection Enforcement Initiative (CPEI)

The Committee's recommendation was to provide a plan informing the Committee on how the BCE would move forward with the CPEI regulations and how its then proposed Omnibus Consumer Protection Regulations compared to the DCA-wide CPEI regulations.

Governor's Reorganization

The Committee recommended the BCE provide a written plan stating how it would work with DCA to handle the reorganization and integration into the DCA.

Administrative Procedures Manual

The Committee recommended the BCE establish an Administrative Procedures Manual revision process, create an updated manual, and place the updated manual on the BCE's website.

Consumer Satisfaction Survey

The Committee requested any available customer satisfaction data from the BCE.

Increase the size of the BCE by two public members

The Committee's recommendation was that the Chiropractic Initiative Act could be amended to allow for two additional members, one appointed by the Assembly Business and Professions Committee and one from the Senate Business and Professions Committee.

3. What action the board took in response to the recommendation or findings made under prior sunset review.

Consumer Protection Enforcement Initiative (CPEI)

The BCE has continued to work on the CPEI regulation. As it currently stands, the package is very similar to the regulation packages the Office of Administrative Law (OAL) has approved on the topic. Unfortunately, there have been various issues that have sprung up over time that have prevented the BCE from promulgating this package. Currently, the package is under review with the DCA and the BCE hopes to notice the regulation package in Q2 of fiscal year 2016-2017.

Governor's Reorganization

The BCE transitioned smoothly to the oversight on the Department of Consumer Affairs. Prior to the Governor's Reorganization, the BCE contracted with the Department to provide it with various administrative services. This prior relationship helped ensure that the reorganization would have minimal impact on BCE operations and the quality of services provided to consumers and licensees.

Administrative Procedures Manual

Since 2013, annually, the BCE has revised and adopted the BCE Member Administrative Procedures Manual.

Consumer Satisfaction Survey

The BCE has developed and deployed an electronic survey that makes it easier for consumers to complete and return.

Increase the size of the BCE by two public members

The BCE has made no progress on the addition of BCE Members. The concerns regarding cost and process associated with placing a measure on the ballot for voters have not changed. These mitigating factors remain a powerful deterrent to increasing the size of the BCE.

4. Any recommendations the board has for dealing with the issue, if appropriate.

The BCE has taken many steps to remedy the concerns expressed above. The steps taken have been described in detail.

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

The BCE has made great effort to address the issues raised in the previous Sunset Review. Although the CPEI and Uniform Standards have not been completed, the BCE has made significant progress in the face of many obstacles. The BCE anticipates the regulation packages will be noticed for public comment in the very near future.

2. New issues that are identified by the board in this report.

At this time, there are no issues for the BCE to report to the Committees. The BCE is running optimally. Processing times for licensing and enforcement are well under the DCA established performance measure targets. Administratively, the BCE has remained efficient and annually the BCE returns resources back into the BCE Fund. Finally, the Governor has maintained the appointment of all seven BCE Members to ensure the continuity and direction of the BCE.

The BCE will remain vigilant and should any new issues arise the BCE will duly notify the Committees of the issues and possible solutions.

3. New issues not previously discussed in this report.(cf. Section 12, Attachment D)

Student Athlete Pre-Participation Physicals

Under current California law, certain health care providers, including Doctors of Chiropractic (DC), are precluded from providing a service for which they are trained and qualified. Performing athletic physicals is well within the scope, knowledge, and ability of the chiropractic profession. Furthermore, DCs are already authorized under state and federal law to perform examinations more rigorous than athletic physicals to screen patients for a variety of other purposes, such as driving commercial vehicles and school buses. However, due to an omission in existing law, many school districts are hesitant to allow DCs to provide this service to student athletes.

Currently, Section 49458 of the Education Code authorizes Medical Doctors (MD) and Physician Assistants (PA) to perform pre-participation physicals for student athletes.

The California Interscholastic Federation (CIF) is the governing body for interscholastic sports in the State of California. CIF bylaws, state that California high schools must require student athletes to receive an annual physical examination conducted by a medical practitioner certifying that the student is physically fit to participate in athletics. This statement must be on a form approved by each school board and be for the current school year. Additionally, CIF provides school districts with a sample pre-participation physical examination form to customize to fit their individual requirements.

The controversy is that the CIF form specifies that a MD or Doctor of Osteopathic Medicine (DO) is to sign off on the form. The omission of other qualified health care providers on the CIF form has caused school liability insurance companies such as Schools Insurance Authority (SIA) to take the position that DCs are not allowed to perform these physicals.

The CIF informed representatives of the California Chiropractic Association (CCA) that other health professions are not specified on the form because the Education Code only authorizes MDs and PAs to conduct the pre-participation physicals. In order to address this omission, the CCA sponsored AB 1992 (Jones) during the 2016 legislative cycle. AB 1992 would have closed this perceived loophole in the in the Education Code. The bill would have added doctors of chiropractic, 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.

Unfortunately, AB 1992 failed passage in the Assembly Business and Professions Committee.

Chiropractors have been safely performing these physicals for decades; oftentimes travelling to schools to conduct physicals for an entire team for little or no compensation. This greatly increases access to the mandatory physical for low-income students and/or students in remote and underserved areas.

Some school districts continue to accept a Chiropractor's signature on the CIF form despite the discrepancy in the law. However, many districts have opted to only accept forms completed by MDs and DOs, due to liability concerns expressed by their insurers.

Providing pre-participation sports physicals is well within the scope, knowledge, and ability of the chiropractic profession. Doctors of Chiropractic are already authorized under state and federal law to perform examinations more rigorous than athletic physicals to screen patients for a variety of other purposes, such as driving commercial vehicles and school buses. Vehicle Code Section 12517.2 requires applicants to be school bus drivers to submit a report of a medical examination by a licensed healthcare practitioner (including chiropractors).

It's important to note that the pre-participation athletic physical is far more limited than the above-referenced commercial driver physicals. The athletic physical is a basic health screening, not an exhaustive examination. Furthermore, the chiropractor would most likely not be treating a health condition identified during the physical, particularly if the condition requires further examination by a specialist or requires treatment that is outside the Chiropractic scope of practice. In most instances, the DC would recommend that the student be seen by the appropriate health care provider.

4. New issues raised by the Committees.

There are no new issues to discuss at this time.

Section 12 – Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).
- D. Copy of California Interscholastic Federation (CIF) Preparticipation Physical Evaluation form and letter to Schools Insurance Authority (cf. Section 12, Attachment D)

Diversion

Discuss the board's diversion program, the extent to which it is used, the outcomes of those who participate and the overall costs of the program compared with its successes.

Diversion Evaluation Committees (DEC) (for BRN and Osteo only)

1. DCA contracts with a vendor to perform probation monitoring services for licensees with substance abuse problems, why does the board use DEC? What is the value of a DEC?
2. What is the membership/makeup composition?
3. Did the board have any difficulties with scheduling DEC meetings? If so, describe why and how the difficulties were addressed.
4. Does the DEC comply with the Open Meetings Act?
5. How many meetings held in each of the last three fiscal years?
6. Who appoints the members?
7. How many cases (average) at each meeting?
8. How many pending? Are there backlogs?
9. What is the cost per meeting? Annual cost?
10. How is DEC used? What types of cases are seen by the DEC?
11. How many DEC recommendations have been rejected by the board in the past four fiscal years (broken down by year)?



901 P Street, Suite 142A / Sacramento, CA 95814

Phone: (916) 263-5355

Fax: (916) 327-0039

www.chiro.ca.gov