



State of California
Edmund G. Brown Jr., Governor

**Agenda Item 19
February 22, 2018**

Review, Discussion and Possible Action Regarding AB 1013 (Low) Chiropractors

Purpose of the item

This agenda item has been included to inform the Board about AB 1013 (Low) Chiropractors.

Action(s) requested

No action requested at this time.

Background

Board staff is monitoring several bills that were introduced during the 2018 legislative session. Most of these bills would have potential minor programmatic impact on the Board but raise no significant policy issues. At this time, no bills require the Board to take a position.

Legislative Session 2017

SB 547 (Hill), Chapter 429, Statutes of 2017, temporarily increased the renewal fee for a chiropractic license from \$250 to \$300 to avoid Board insolvency.

Legislative Session 2018

AB 1013 (Low) amends the Chiropractic Initiative Act to return the temporary license renewal fee from \$300 to \$250 and makes non-substantive technical changes.

However, AB 1013 is a spot bill. The Executive Officer has been working with the legislature to place Board fees into statute based upon the recommendations from the 2017 Fee Audit.

The bill currently resides in Senate Rules Committee.

Recommendation(s)

Staff does not have any recommendations at this time.

Attachment(s)

- AB 1013 bill text

AMENDED IN ASSEMBLY JANUARY 3, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1013

Introduced by Assembly Member Low

February 16, 2017

An act to amend ~~Section 3517 of the Government Code, relating to public employment.~~ *an initiative act entitled “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith” approved by voters November 7, 1922, (the Chiropractic Act) by amending Sections 5 and 12 of the act, relating to chiropractors.*

LEGISLATIVE COUNSEL’S DIGEST

AB 1013, as amended, Low. ~~Public employment.~~ *Chiropractors.*

Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Under the act, on and after January 1, 2019, each person practicing chiropractic, after a license has been issued, is annually required to pay the board a renewal fee of \$250. Existing law authorizes the Legislature to fix these fees. Existing law directs the deposit of these funds into the State Board of Chiropractic Examiners’ Fund, a continuously appropriated fund.

This bill, on and after January 1, 2019, would revise the annual renewal fee to be no more than \$250, as determined by the board. The bill would also make additional nonsubstantive changes.

~~Existing law governing state employer-employee relations requires the Governor or his or her representative, as properly designated by~~

law, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations, and to consider fully any presentation that is made by an employee organization on behalf of its members prior to arriving at a determination of policy or course of action.

~~This bill would make nonsubstantive changes to those provisions.~~

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

The people of the State of California do enact as follows:

1 SECTION 1. Section 5 of the Chiropractic Act, as amended by
2 Section 1 of Chapter 533 of the Statutes of 1983, is amended to
3 read:

4 Sec. 5. (a) It shall be unlawful for any person to practice
5 chiropractic in this state without a license so to do. ~~Any~~

6 (b) Any person wishing to practice chiropractic in this state shall
7 make application to the board 45 days prior to any meeting thereof,
8 upon such form and in such manner as may be provided by the
9 board. ~~Proof~~

10 (c) Proof of graduation from an approved chiropractic school
11 or college, as defined in Section 4, must reach the board 15 days
12 prior to any meeting thereof. ~~Each~~

13 (d) Each application must be accompanied by a licensee fee of
14 not more than one hundred dollars (\$100), as determined by the
15 board. ~~Except~~

16 (e) Except in the cases herein otherwise prescribed, each
17 applicant shall present to the board at the time of making such
18 application a diploma from a high school and a transcript of 60
19 prechiropractic college credits satisfactory to the board, or proof,
20 satisfactory to the board, of education equivalent in training power
21 to such high school and college courses.

22 ~~The~~

23 (f) The schedule of minimum educational requirements to enable
24 any person to practice chiropractic in this state is as follows, except
25 as herein otherwise provided:

26 Group 1

27

28 Anatomy, including embryology and histology.....14%

29

1 Group 2
2
3 Physiology.....6%
4
5 Group 3
6
7 Biochemistry and clinical nutrition.....6%
8
9 Group 4
10
11 Pathology and bacteriology.....10%
12
13 Group 5
14
15 Public health, hygiene and sanitation.....3%
16
17 Group 6
18
19 Diagnosis, dermatology, syphilology and geriatrics, and
20 radiological technology, safety, and interpretation.....18%
21
22 Group 7
23
24 Obstetrics and gynecology and pediatrics.....3%
25
26 Group 8
27
28 Principles and practice of chiropractic, physical therapy,
29 psychiatry, and office procedure.....25%
30
31 Total.....85%
32
33 Electives.....15%

34
35 ~~Any~~
36 (g) Any applicant who had matriculated at a chiropractic college
37 prior to the effective date of the amendments to this section
38 submitted to the electors by the 1977-1978 Regular Session of the
39 Legislature shall meet all requirements that existed immediately

1 prior to the effective date of those amendments but need not meet
2 the change in requirements made by said amendments.

3 *SEC. 2. Section 12 of the Chiropractic Act, as amended by*
4 *Section 78 of Chapter 429 of the Statutes of 2017, is amended to*
5 *read:*

6 Sec. 12. (a) Licenses issued under the provisions of this section
7 expire at 12 midnight on the last day of the month of birth of
8 licentiates of the board.

9 (b) The board shall establish regulations for the administration
10 of a birth month renewal program.

11 (c) A person practicing chiropractic within this state shall, on
12 or before the last day of the person's month of birth of each year,
13 after a license is issued to the person under this act, pay to the
14 Board of Chiropractic Examiners the renewal fee specified under
15 subdivision (d).

16 (d) (1) Until January 1, 2019, the renewal fee shall be three
17 hundred dollars (\$300).

18 (2) On and after January 1, 2019, the renewal fee shall be *no*
19 *more than* two hundred fifty dollars ~~(\$250)~~ *(\$250), as determined*
20 *by the board in an amount not to exceed the reasonable regulatory*
21 *cost.*

22 (e) The secretary shall mail to a licensed chiropractor in this
23 state, on or before 60 days prior to the last day of the month of the
24 licensee's birth each year, a notice that the renewal fee will be due
25 on or before the last day of the next month following the licensee's
26 birth. Nothing in this act shall be construed to require the receipts
27 to be recorded in like manner as original licenses.

28 (f) The failure, neglect or refusal of a person holding a license
29 or certificate to practice under this act in the State of California to
30 pay the annual fee during the time the license remains in force
31 shall, after a period of 60 days from the last day of the month of
32 the licensee's birth, automatically work a forfeiture of the license
33 or certificate, and it shall not be restored except upon the written
34 application therefor and the payment to the board of a fee of twice
35 the annual amount of the renewal fee in effect at the time the
36 restoration application is filed except that a licensee who fails,
37 refuses, or neglects to pay the annual tax within a period of 60
38 days after the last day of the month of the licensee's birth of each
39 year shall not be required to submit to an examination for the
40 reissuance of the certificate.

1 SECTION 1. ~~Section 3517 of the Government Code is amended~~
2 ~~to read:~~

3 ~~3517. The Governor, or his or her representative, as may be~~
4 ~~properly designated by law, shall meet and confer in good faith~~
5 ~~regarding wages, hours, and other terms and conditions of~~
6 ~~employment with representatives of recognized employee~~
7 ~~organizations, and shall consider fully any presentation that is~~
8 ~~made by the employee organization on behalf of its members before~~
9 ~~arriving at a determination of policy or course of action.~~

10 “Meet and confer in good faith” means that the Governor or his
11 or her representative, and representatives of recognized employee
12 organizations, shall have the mutual obligation personally to meet
13 and confer promptly upon request by either party and continue for
14 a reasonable period of time in order to exchange freely information,
15 opinions, and proposals, and to endeavor to reach agreement on
16 matters within the scope of representation before the adoption by
17 the state of its final budget for the ensuing year. The process should
18 include adequate time for the resolution of impasses.



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Agenda Item 20
February 22, 2018

Update, Discussion and Possible Action on Pending Rulemaking

Purpose of the item

The Board will receive a status update on pending regulatory proposals.

Action(s) requested

No action requested at this time.

Background

The Board currently has nine regulatory proposals in various stages of completion.

Recommendation(s)

No recommendations at this time.

Next Step

N/A

Attachment(s)

1. BCE regulation tracking sheet
2. BCE regulation summary sheet

BCE List of Prioritized Proposed Regulatory Changes

Group A – Legislatively Mandated

Status

1	Application for Licensure (CCR Section 321)	May 1, 2017 the Board received a disapproval letter from OAL and was granted a second extension in December 2017. The Board made necessary changes and submitted the rulemaking to DCA for final review. The package is currently under review in legal. Package must be submitted to OAL by 4/24/18 for approval.
2	Consumer Protection Enforcement Initiative	Rulemaking was submitted to DCA for initial review on 9/7/17. Package is currently with legal.
3	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	Package under development at the Board.

Group B

Status

1	Delegation of Authority to the Assistant Executive Officer	Rulemaking was submitted to DCA for initial review on 9/7/17. Package is currently with legal.
3	Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	Package under development at the Board.
4	Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)	Licensing Committee is working with stakeholders to develop this package.

Group C

Status

1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	Approved rulemaking process 4/16/15
2	Continuing Education Requirements (CE Provider and Course Approval)	Package under development at the Board.
3	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	Rulemaking not yet started

BCE List of Prioritized Proposed Regulatory Changes

<u>Proposed Regulation</u>	<u>Proposed Change(s)</u>
Application for Licensure (CCR Section 321)	The BCE will amend the application for licensure to comply with new legislation which will assist agencies 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 CE regulations for consistency with the provisions of BPC section 114.3 to waive renewal fees, continuing education requirements, and other requirements for active duty members of the U.S. military. Also, the regulation proposes to allow the Board 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.
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 12 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the board's enforcement authority and access to critical information for use in investigations.
Uniform Standards for Substance Abusing Licensees	The BCE will need to review and possibly amended the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Revisions to BCE Disciplinary Guidelines	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers.
Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	The regulation will add a new section CCR 371.1 which would require as a condition of licensure and license renewal all licensees maintain current CPR certification or basic life support from specified entities approved by the Board. Also, a licensee may earn 2 hours of CE for completion of CPR/BLS course. The regulation would also make technical and clarifying amendments for consistency and clarity.
Comprehensive Revisions/Updates to CCR Article 4 (Sections 330 – 331.16) – Approved Schools & Qualifications of Applicants (Curriculum Requirements)	
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee (Amendment to CCR Sections 312.2 and 318)	
CE Requirements (CE Provider and Course Approval)	
Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	



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Agenda Item 21
February 22, 2018

Discussion and Possible Action on the Possibility of June True Colors Training

Purpose of the item

The Board will review and discuss possible meeting dates to schedule a True Colors training.

Action(s) requested

Board approval of training dates for the June.

Background

2017-2019 Strategic Plan Goal 5.3 is to increase opportunities for team building that's inclusive of Board members and staff to educate staff and maintain team relationships.

Staff has reached out to DCA SOLID and they are available in June to provide the Board with a training on True Colors.

Recommendation(s)

Staff recommends the Board approve a meeting date for True Colors, either the day before or after the Board Meeting on June 5, 2018.

Next Step

N/A

Attachment(s)

- 2018 Meeting Calendar
- Page 19 of the 2017-2019 Strategic Plan

2018 BCE Meeting Calendar

January 2018						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

01: New Year's Day
15: M L King Day

February 2018						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

19: Presidents Day
22: Public Board Meeting

March 2018						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

31: Cesar Chavez

April 2018						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2018						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

28: Memorial Day

June 2018						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

5: Public Board Meeting Sacramento HQ-2

July 2018						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

04: Independence Day

August 2018						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

9: Public Board Meeting San Diego, CA

September 2018						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

03: Labor Day

October 2018						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

08: Columbus Day

November 2018						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

8: Public Board Meeting Northern CA

11: Veterans' Day (Observe on 12th)
22: Thanksgiving

December 2018						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

25: Christmas Day

2018 Public Board Meeting- Blue Highlights

Purple: Robert out, Green Dixie out, Red Holiday, Blue Val out

- 5.2 Implement an annual review of staff duties and procedures to ensure that procedures manuals are current.

Objective Measurement				
Improved staff/Board Member satisfaction survey				
Action Item	Responsible Party	Initiation Date	Proposed Completion Date	Completion Date
5.2.1 Engage with SOLID periodically to do process mapping	EO and AEO		Q2 2018	

- 5.3 Increase opportunities for team building that's inclusive of Board members and staff to educate staff and maintain team relationships.

Objective Measurement				
Improved staff/Board Member satisfaction survey				
Action Item	Responsible Party	Initiation Date	Proposed Completion Date	Completion Date
5.3.1 Schedule True Colors training for staff	AEO			Q4 2017
5.3.2 Schedule True Colors training for future Board meeting.	AEO		Q4 2018	
5.3.3 Work with SOLID to explore and identify other team building opportunities.	EO and AEO	Q1 2017		Q1 2017
5.3.4 Partner with SOLID to establish a workforce engagement plan.	EO and AEO		TBD	