



State of California
Edmund G. Brown Jr., Governor

**Agenda Item 18
November 8, 2018**

Update, Discussion and Possible Action Regarding SB 1448 (Hill) Probation Status: Disclosure

Purpose of the item

The Board will review a summary of the recently enacted SB 1448 (Hill) Probation Status: Disclosure.

Action(s) requested

N/A

Background

During the last legislative session, staff monitored SB 1448 (Hill) Healing arts licensees: Probation Status: Disclosure. **The Board took a support position on this bill.**

Effective July 1, 2018, SB 1448 (**Hill, chaptered 570, Statutes of 2018**) requires licensees of the Board of Chiropractic Examiners and various other healing arts programs, to make a separate disclosure to their patients or patients' guardian if licensees are on probation related to their professional license.

Specifically, SB 1448 requires:

1. A licensee to provide a disclosure to patients and shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

A licensee shall not be required to provide a disclosure if any of the following applies:

1. The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.
2. The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities.
3. The licensee who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.
4. The licensee does not have a direct treatment relationship with the patient.

On and after July 1, 2019, the board shall provide the following information with respect to licensees on probation and licensees practicing under probationary licenses in plain view on the licensee's profile page on the board's website:

1. The causes alleged in the operative accusation along with a designation identifying those causes by which the licensee has expressly admitted guilt and a statement that acceptance of the settlement is not an admission of guilt.



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2. For probation imposed by an adjudicated decision of the board, the causes for probation stated in the final probationary order.
3. The causes by which the probationary license was imposed.
4. The length of the probation and end date.
5. All practice restrictions placed on the license by the board.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

N/A



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**Agenda Item 19
November 8, 2018**

Update, Discussion and Possible Action Regarding SB 1480 (Hill) Professions and Vocations

Purpose of the item

The Board will review a summary of the recently enacted SB 1480 (Hill) Professions and Vocations.

Action(s) requested

N/A

Background

During the last legislative session, staff monitored SB 1480 (Hill) Professions and Vocations. **The Board took a support position on this bill.**

SB 1480 (**Hill, chaptered 571, Statutes of 2018**) codifies the new fee schedule into section 1006.5 of the Business and Professions Code (BPC), where all the Board's fees can be easily found. This bill aligns the Board's revenue and expenditures, thereby ensuring a healthy fund condition and the long-term sustainability of the Board.

Section 1006.5 is added to the Business and Professions Code, to read:

1006.5 Notwithstanding any other law, the amount of regulatory fees necessary to carry out the responsibilities required by the Chiropractic Initiative Act and this chapter are fixed in the following schedule:

- (a) Fee to apply for a license to practice chiropractic: three hundred seventy-one dollars (\$371).
- (b) Fee for initial license to practice chiropractic: one hundred eighty-six dollars (\$186).
- (c) Fee to renew an active or inactive license to practice chiropractic: three hundred thirteen dollars (\$313).
- (d) Fee to apply for approval as a continuing education provider: eighty-four dollars (\$84).
- (e) Biennial continuing education provider renewal fee: fifty-six dollars (\$56).



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- (f) Fee to apply for approval of a continuing education course: fifty-six dollars (\$56) per course.
- (g) Fee to apply for a satellite office certificate: sixty-two dollars (\$62).
- (h) Fee to renew a satellite office certificate: thirty-one dollars (\$31).
- (i) Fee to apply for a license to practice chiropractic pursuant to Section 9 of the Chiropractic Initiative Act: three hundred seventy-one dollars (\$371).
- (j) Fee to apply for a certificate of registration of a chiropractic corporation: one hundred eighty-six dollars (\$186).
- (k) Fee to renew a certificate of registration of a chiropractic corporation: thirty-one dollars (\$31).
- (l) Fee to file a chiropractic corporation special report: thirty-one dollars (\$31).
- (m) Fee to apply for approval as a referral service: five hundred fifty-seven dollars (\$557).
- (n) Fee for an endorsed verification of licensure: one hundred twenty-four dollars (\$124).
- (o) Fee for replacement of a lost or destroyed license: fifty dollars (\$50).
- (p) Fee for replacement of a satellite office certificate: fifty dollars (\$50).
- (q) Fee for replacement of a certificate of registration of a chiropractic corporation: fifty dollars (\$50).
- (r) Fee to restore a forfeited or canceled license to practice chiropractic: double the annual renewal fee specified in subdivision (c).
- (s) Fee to apply for approval to serve as a preceptor: thirty-one dollars (\$31).
- (t) Fee to petition for reinstatement of a revoked license: three hundred seventy-one dollars (\$371).
- (u) Fee to petition for early termination of probation: three hundred seventy-one dollars (\$371).
- (v) Fee to petition for reduction of penalty: three hundred seventy-one dollars (\$371).

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

N/A



Update, Discussion and Possible Action Regarding AB 2138 (Chiu) Denial of Application: Revocation or Suspension Licensure: Criminal Conviction

Purpose of the item

The Board will review a summary of the recently enacted AB 2138 (Chiu) Denial of Application: Revocation or Suspension Licensure: Criminal Conviction.

Action(s) requested

N/A

Background

During the last legislative session, staff monitored AB 2138 (Chiu) Denial of Application: Revocation or Suspension Licensure: Criminal Conviction. **The Board took a watch position on this bill.**

Effective July 1, 2020, AB 2138 (**Chiu, Chapter 995, Statutes of 2018**) restricts the Board's discretion in using prior criminal history as grounds for licensing determinations and establishes new prohibitions relating to the denial, suspension, and revocation of licensure. Additionally, the bill requires the Board to develop new denial criteria and creates new reporting requirement.

- **AB 2138 defines a conviction**
- **AB 2138 authorizes the Board to deny an application for licensure:**
 - If a substantially related crime was committed within the preceding seven years.
 - However, the seven-year limitation does not apply to conviction of serious felony as defined in Penal Code Section 1192.7 or one that requires registration as a tier 1 or tier 2 sex offender.
 - If the applicant was convicted of a felony financial crime directly related to fiduciary responsibilities.
 - If the applicant was subjected to formal discipline by a licensing Board in or outside of California, within the preceding seven years, for misconduct substantially related to the business or profession for which a current applicant has been made.
 - If the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

- **AB 2138 prohibits the denial of an application for licensure:**
 - When the basis for the disciplinary action by another Board or jurisdiction was a conviction that has been dismissed or expunged within the preceding seven years.
 - On the basis that an applicant has been convicted of a crime or based on acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation pursuant to the Penal Code.
 - Based on any conviction, or based on the acts underlying the conviction, that has been dismissed pursuant to the Penal Code.
 - Based on an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.
 - Based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

- **AB 2138 requires the Board to develop criteria to guide the staff when considering the denial, suspension, or revocation of a license and to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.**

- **AB 2138 requires the Board to post on its website a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.**

- **AB 2138 requires each board to retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history.**

- **AB 2138 requires each board annually to make available to the public through the board's website and through a report submitted to the Legislature deidentified information collected pursuant to this subdivision.**

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

N/A



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Agenda Item 21
November 8, 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 seven regulatory proposals in various stages of completion.

Staff is actively working on changes to the CE, Curriculum, and the Uniform Standards and Disciplinary Guidelines regulations. Following the approval of the Application and CE regulation, legal counsel has been informed to resume the review of the Delegation of Authority and Consumer Protection Enforcement Initiative (CPEI) regulation packages.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- BCE regulation tracking sheet
- BCE regulation summary sheet

BCE List of Prioritized Proposed Regulatory Changes

Group A – Legislatively Mandated		Status
1	Consumer Protection Enforcement Initiative	Rulemaking was submitted to DCA for initial review on 9/7/17. Package is currently with legal.
2	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	Package under development at the Board.
Group B		Status
1	Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	Curriculum Committee is working with stakeholders to develop this package. Chiropractic Colleges have submitted recommended changes regarding this regulatory proposal.
2	Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	Package under development at the Board. Committee is currently working through policy issues regarding this regulatory proposal.
3	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.
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	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>
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.
Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers. Additionally, the BCE will need to review and possibly amend the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	
CE Requirements (CE Provider and Course Approval)	
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.
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee (Amendment to CCR Sections 312.2 and 318)	
Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)	



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Agenda Item 21
November 8, 2018

Proposed Board Meeting Schedule
January – December 2019

Purpose of the item

The Board will review and approve meeting dates for 2019

Action(s) requested

Board approval of meeting dates for the 2019 calendar year.

Background

Annually, at the last meeting of the year, Board Members discuss and approve meeting dates for the following year.

Recommendation(s)

Staff recommends the Board approve meetings dates in January, May, July and October of 2019.

Next Step

N/A

Attachment(s)

- 2019 Proposed Board Meeting Schedule/Calendar

2019 Board Meeting Calendar

January						
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		

February						
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		

March						
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

April						
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						
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	

June						
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

July						
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			

August						
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

September						
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					

October						
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		

November						
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

December						
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				

An X on the date indicates Holiday's and/or Executive Officer, Assistant Executive Officer and Manager out of the office