



**Board of Chiropractic Examiners  
TELECONFERENCE MEETING MINUTES  
Licensing & Continuing Education Committee  
April 16, 2019**

Teleconference Meeting Locations:

Board of Chiropractic Examiners  
901 P Street, Ste 142A  
Sacramento, CA 95814  
(916) 263-5355

Dionne McClain, DC  
McClain Sports & Wellness, Inc.  
6360 Wilshire Blvd., Ste 410  
Los Angeles, CA 90048  
(323) 653-1014

Heather Dehn, DC  
Dehn Chiropractic  
4616 El Camino Ave. #B  
Sacramento, CA 95821  
(916) 488-0242

David Paris, D.C.  
VA Health Administration in Redding  
760 Cypress Ave.  
Redding, CA 96001  
(530) 244-8806

**Committee Members Present**

Dionne McClain, D.C., Chair

Heather Dehn, D.C.

David Paris, D.C.

**Staff Present**

Robert Puleo, Executive Officer

Marcus McCarther, Assistant Executive Officer

Kenneth Swenson, Attorney III

Michael Kanotz, Senior Attorney

Dixie Van Allen, Staff Services Manager

Natalie Boyer, Continuing Education Analyst

Andreia McMillen, Policy Analyst

**Call to Order**

Dr. McClain called the meeting to order at 12:07 p.m.

**Roll Call**

Dr. Dehn called roll. All members were present. Due to a recent office move, Dr. Dehn was not present at the location identified on the agenda. Dr. Dehn excused herself from the first portion of the meeting to move locations, the agenda items were taken out of order.

## **Approval of Minutes**

The Committee postponed the approval of the December 17<sup>th</sup>, 2018 Committee Meeting minutes. Neither Dr. McClain nor Dr. Paris had edits to the December Committee Meeting minutes.

## **Review and Discussion of Strategic Plan Goal 1**

Ms. Boyer introduced the Strategic Plan Goal 1 to the Committee Members, this was a progress update from the previous time the Committee reviewed the document, during the June 2018 meeting. Most items identified in the Strategic Plan had been noted as being 'in progress'.

Dr. McClain posed a question regarding item 1.4.4, on the Strategic Plan document, and if there were any updates regarding the use of Breeze technology.

Mr. Puleo responded that the Board had already entered the project approval cycle for a new IT platform, but realistically it would still be a year before a new system could be in place for staff.

Mr. McCarther added that for items 1.4.4 and 1.4.5, the Board was entering into the third phase of the IT procurement process and that by the end of the year, the Board would have a clear idea of which system they would be implementing.

Dr. Paris also had several questions regarding the Strategic Plan. Dr. Paris was curious about item 1.1.2 and what the conversation between the Board and the Council on Chiropractic Education (CCE) had resulted in. He was also curious whom from CCE participated in meetings with the Board.

Mr. Puleo responded that Dr. Craig Little, CCE Executive Director, had participated in meetings with the Board, but ultimately, there were no proposed actions from these meetings to alter national entrance requirements for chiropractic colleges.

Let the record show that Dr. Dehn rejoined the Committee Meeting at 12:23pm.

Dr. Paris moved to his questions regarding item 1.3, developing and implementing a Continuing Education (CE) course auditing process, he was curious if the auditing checklist had been made available to the Committee Members.

Mr. McCarther responded that item 1.3 was the impetus for considering changes to the CE regulations, in order to have a stricter quality control of CE courses approved by the Board. Ultimately it was determined that the Board did not have the resources necessary to conduct a large amount of in-person CE audits. The Board will, however, have a future IT system in place that will require full compliance by all licensees for CE requirements.

Mr. Puleo added that the Board had also considered implementing a mandatory evaluation tool that course participants would have to complete following a CE course and submit to the

Board.

Dr. Dehn added that the Board's desire was to have a pool of subject matter experts to audit CE courses but ultimately doing so was not specified in the current CE regulations.

Mr. Puleo also added that the cost of in-person CE auditing was somewhat prohibitive and the Board had limited resources for that effort.

Dr. McClain inquired if staff could recommend adding language to the proposed regulations that would create more disciplinary actions for CE providers who failed a CE audit.

Mr. Puleo agreed that this was very much in line with staff's goals for CE regulations.

Mr. McCarther added that this topic would be addressed at a later point in the agenda but that the Committee would need to spend a substantial time determining what processes should be adopted for approval and denial of CE courses.

Dr. Paris asked for an update regarding item 1.6, developing and implementing a CE course regarding Board laws.

Mr. Puleo responded that staff had developed the 'Top Ten Violations' document that had been distributed to the chiropractic colleges and providers to share with their course participants. Additionally, staff had also been in communication with the Department of Consumer Affairs (DCA) SOLID training division, to assist in developing an online course for licensees.

Mr. McCarther included that currently the Enforcement Committee had a desire to tease out specific trends from enforcement violations, in order to educate licensees through an ethics and law course.

Public Comment: Ms. Laurie Isenberg, Director of Postgraduate & Continuing Education at Life Chiropractic College West, offered that Life Chiropractic College West had developed an ethics and law course specifically around the Top Ten Violations in California and would be making it available starting in June.

Dr. Paris questioned what the Licensing & CE Committee's involvement would be in developing content for the ethics and law course.

Mr. McCarther stated that the content development would go through the Enforcement Committee and ultimately to the full Board for final approval.

### **Return to Approval of Minutes**

The full Committee was present and able to return to reviewing the December 17<sup>th</sup>, 2018 Committee Meeting minutes.

**MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE DECEMBER 17<sup>th</sup>, 2018 LICENSING & CONTINUING EDUCATION COMMITTEE MEETING.**

**SECOND: DR. MCCLAIN SECONDED THE MOTION.**

Discussion: Dr. Dehn pointed out that on the third page, seventh paragraph “where” should be changed to “were”.

**VOTE: 2-0, 1 - Abstained (DR. DEHN– AYE, DR. PARIS – ABSTAIN, DR. MCCLAIN – AYE)**  
**MOTION CARRIED.**

**Review, Discussion and Possible Action on proposed amendments to CE regulations**

Mr. Puleo was curious if the Committee wished to receive highlights of what had already been discussed, considering there was a new addition to the Committee.

Dr. McClain asked for clarification regarding bullet point number five, on the first page of the Major Policy Issues document, she was curious why the underlined passage had been included into the definition of chiropractic adjustive techniques.

Ms. Boyer responded that this passage was included after the September 2018 Committee Meeting, when it was determined that a provider offering a course on an adjustive technique, that was not taught at a CCE approved college, would be prevented from offering the course to the profession. This provision would place the burden of proof on the provider to seek acceptance from a CCE accredited college and then provide documentation for their course to the Board for review.

Mr. McCarther added that the burden of proof would be on the provider and that Board staff would not be conducting extensive research to validate proposed techniques.

Dr. McClain felt that the instructions to the provider were unclear in this passage, it needed to be more clear on what processes the provider should take to seek approval from the college and the Board.

Mr. Puleo agreed and stated that the language in the document still had many revisions forthcoming prior to the content being approved by the Board.

Dr. McClain inquired of the Alternate Pathways section and whether CE course providers were able to earn CE hours for instruction.

Staff shared what was currently in regulation for exemptions for CE instructors. But, ultimately, the Committee had not discussed all the possible exemptions that should be included for CE.

Mr. McCarther called upon Dr. Paris, as he was new to the Committee, to share any high-level observations, concerns or questions regarding the CE policy document.

Dr. Paris thanked the Committee and responded that for the Qualifying Subject Areas, as they were based on core competencies, he was curious if these could be directly related to the

meta-competencies from CCE's accreditation standards. It could be potentially easier to have these two lists match and still meet the Board's desire to have CE courses as a consumer protection safeguard.

Dr. Dehn agreed with Dr. Paris' sentiments. Dr. Dehn inquired if the descriptions in the meta-competencies would prove helpful to staff when reviewing CE course applications.

Ms. Boyer responded that they would, as it already contained the definition to some of the more challenging subject areas, it would also be more prescriptive for providers and have a quasi-template when reviewing CE course applications.

Ms. Van Allen asked how frequently CCE updated their accreditation standards, as to stay current with content, the Board would be required to updated their regulations frequently.

Mr. McCarther responded that the most recent update was in 2018 and, prior to that, it had been several years since their last update. Mr. McCarther went on to state that the Board would not be adopting the CCE standards out right, but rather incorporating their core ideas into the CE regulations.

Dr. Dehn and Dr. McClain agreed that many of the meta-competencies translated accurately to the Qualified Subject List that the Committee had previously developed.

Dr. Dehn inquired if Dr. Paris felt the same, if the 14 items on the Qualified Subject List were appropriate considering the CCE's accreditation standards and meta-competencies.

Dr. Paris responded that there were similarities but the current drafted subject areas were vague and that the meta-competencies could assist the CE providers by creating clear parameters for subject areas, objectives and outcomes.

Dr. Dehn followed up with an additional question of whether the Committee should determine which of the 14 drafted subject areas were identified in the eight meta-competencies and which were not and if the Committee should decide to keep any subject areas not compatible with the meta-competencies.

Dr. Paris agreed.

Dr. Dehn asked Ms. Boyer and Ms. Van Allen for input regarding any areas of concern or possible misinterpretation of the meta-competencies by CE providers when submitting CE courses.

Ms. Van Allen responded that Meta-Competency 2, objective D: "determine the need for change in patient behavior and activities of daily living" could include yoga courses that the Board may not wish to approve.

Mr. Puleo responded that the objective would not be able to be taken out of context and that the provider would need to show justification to the meta-competency definition and outcomes for the course.

Ms. Boyer added that Meta-Competency 4, Communication and Record Keeping, which included patient communication, might be interpreted to include practice building techniques through social media platforms.

Dr. Dehn agreed that continuing to have a prohibited subject area list would be important in any CE regulations.

Ms. Boyer went on to point out that Meta-Competency 6, Information and Technology Literacy, would be a new subject area for the Board and that she had seen some providers submit CE courses on how to submit research articles to scientific journals, which would potentially not be approved by the Board considering the objectives of the meta-competency.

Dr. Paris agreed that the objectives and outcomes of each meta-competency would hopefully keep providers from submitting content similar to the examples provided.

Mr. Puleo suggested asking the chiropractic colleges for their interpretation and examples of their courses using these meta-competencies.

Dr. McClain agreed and stated that these meta-competencies would also be reflective of DCA's overarching mission for consumer protection.

The Committee continued to review the document Major Policy Issues.

Dr. Paris inquired if any of the other DCA Boards or Bureaus mandated CE courses for sexual boundaries.

Mr. Puleo responded that he wasn't certain but staff could look into it.

Dr. McClain inquired if there were any questions surrounding the Provider Qualifications and Responsibilities section.

Ms. Boyer volunteered that the live scan results portion of this section would need to be removed, considering the legal advice received at the December 2018 Committee Meeting.

Dr. McClain asked Ms. Van Allen and Ms. Boyer for examples of CE courses that were problematic, considering the proposed definition of a 'course'.

Ms. Boyer provided an example of a distance learning course where a provider submitted an application for 30 hours but each hour was an individual module that could be purchased and completed separately from the 30 hours.

The Committee discussed the example provided and several others as problematic.

Additionally, the Committee discussed the possibility of charging per CE course or per CE unit requested.

Dr. Paris agreed that the most equitable potential solution was to move to a unit hour method. Evaluation and fee would be assigned per hour requested.

Ms. Van Allen also shared an example of weekend long seminars that have multiple course programming occurring simultaneously throughout the day with different instructors for each lecture. This proved challenging as the provider was requesting a larger amount of CE credit than any one licensee could earn in a single day.

Dr. McClain inquired what the difference in pricing would be between the current regulation requirements and an application that would charge per hour.

Public Comment: Ms. Isenberg responded that currently the CA Board charges \$56. She went on to state that there is currently one state, Arkansas, that she is aware of that charges per unit hour.

Mr. Puleo assured the Committee that staff would need to research this topic to determine whether charging per unit hour would be feasible.

Dr. McClain called for any other questions or input on the Definition of a “Course” section.

Public Comment: Ms. Isenberg offered that she proposed changing the requirement of a ‘60-minute hour’ to a 50-minute hour, as that is what most states went by. Additionally, she would like to request maintaining the 12-hour limit of instruction per day, versus the 8-hours proposed in the document.

The Committee agreed.

Dr. McClain moved the discussion to the Denial and Appeal Processes section.

Ms. Boyer pointed out that the language presented was merely suggested and inspired by the Acupuncture Board’s regulations.

Dr. McClain inquired about the provider denial process and requirements in the current CE regulations.

Mr. Puleo responded that there was not current language regarding denying CE providers. There were no current qualifications for providers that could pose as grounds for denial.

Ms. Van Allen pointed out while there were not current denial grounds for an initial CE provider application, there were areas for denial if the provider did not comply with portions of the regulations.

Mr. Swenson offered that, previously, regulations did not include any criteria for providers to support a denial but as the Committee was developing qualifications for providers and criteria for a denial and appeal processes, there would be more opportunity in the future to scrutinize providers.

Dr. Dehn inquired about the last sentence in the last paragraph under this section. She did not feel like it was perfectly clear to the reader. She advised some additional language be added to that section to ensure clarity.

Mr. McCarther agreed that staff would be taking the lead on developing language for the proposed CE regulations and would be updating the Committee as necessary on any policy issues.

Public Comment: Ms. Isenberg inquired what Dr. Paris thought of the proposed mandatory hours. Considering that many licensees find the current model for mandatory hours confusing and burdensome.

Dr. Paris agreed that it was a valid concern but as licensees received a doctorate education they should be able to manage calculating additional or changing mandatory hours and subject areas.

The Committee discussed several ideas that had been brought up previously at the CE provider focus group.

**The Committee took a 5-minute break and reconvened the meeting at 2:30pm.**

The Committee continued the discussion surrounding the Major Policy Issues for CE document and compliance for CE audits.

Dr. McClain brought the Committee's attention to the Sample CE Provider Application.

Ms. Boyer went over some of the changes to the document.

Dr. McClain inquired if it would be appropriate to include a statement excluding P.O. Boxes.

Mr. Swenson advised that a statement such as this would require a showing of necessity of why a P.O. Boxes should be excluded.

Mr. Puleo stated that the language should be similar to what was expected of a licensee, in terms of the type of contact details and physical addresses requested.

Dr. McClain inquired if a statement could be included regarding the instructors.

Ms. Boyer responded that she was working on an internal document for the CE course application, which would include a specific attestation for each CE instructor.

The Committee agreed that the sample CE provider application was enough to move forward.

Dr. Dehn reminded the Committee of Dr. McClain's previous suggestion to include a statement asking the CE providers to take full responsibility for the actions of their staff and instructors.

Mr. Swenson shared his concern that the Board would be exceeding their jurisdiction to regulate the business relationship between the CE providers and their employees.



Ms. Van Allen suggested including a statement for the CE course application that 'everything included within the application is a true and accurate representation of what the course entails'.

Mr. Puleo agreed and also suggested that course denials would be an avenue to reprimand CE providers.

Dr. McClain inquired if a simple statement was possible.

Mr. Puleo responded that staff could look into the possibility.

Mr. Swenson inquired if the intent for the statement was to make the provider responsible for the violation by the instructor or because the provider departed from the curriculum.

Dr. Dehn and Dr. McClain agreed that it was on both accounts.

### **Selection of Committee Chair**

Dr. McClain opened the floor for nominations or self-nominations for the position of Licensing & CE Committee Chair.

Dr. Dehn nominated Dr. Paris for the Committee Chair position.

Dr. Paris accepted the nomination.

Dr. McClain nominated herself for the Committee Chair position.

Dr. McClain asked for statements from individuals nominated for the Chair position.

Dr. Paris shared his experiences with CE and working with CCE.

Dr. McClain called for the vote for the Committee Chair position.

Dr. Paris voted for Dr. McClain.

Dr. Dehn voted for Dr. Paris.

Dr. McClain voted for herself.

Dr. McClain has been voted as the Chair for the Licensing & CE Committee.

### **Public Comment**

No public comment.

**Future Agenda Items**

None.

**Adjournment**

Dr. McClain adjourned the meeting at 2:34 p.m.