



NOTICE OF TELECONFERENCE
LICENSING & CONTINUING EDUCATION COMMITTEE MEETING

October 10, 2019

4 p.m. – 5 p.m. or until completion of business

One or more Committee Members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Licensing & Continuing Education Committee at each teleconference location. The public teleconference sites for this meeting are as follows:

Teleconference Meeting Locations:

901 P Street, Suite 142A
Sacramento, CA 95814
(Board Staff)

Sergio Azzolino, D.C., Chair
Azzolino Chiropractic Neurology &
Integrative Wellness
1545 Broadway Street., Suite 1A
San Francisco, CA 94109
(415) 563-3800

Heather Dehn, D.C.
Dehn Chiropractic
4343 Marconi Ave., #5
Sacramento, CA 95821
(916) 488-0202

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

Life Chiropractic College West
Postgraduate & Continuing
Education, Room 136
25001 Industrial Blvd.
Hayward, CA 94545
(510) 780-4500 ext. 2030

Palmer College of
Chiropractic
90 E. Tasman Dr., Room 121
San Jose, CA 95134
(408) 944-6000

Southern California University of
Health Sciences
'Z' Building
16200 Amber Valley Drive,
Whittier CA. 90604
(800) 221-5222 ext. 366

AGENDA

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of August 22nd, 2019 Committee Meeting Minutes**
- 3. Review, Discussion and Possible Action on Proposed Language to Continuing Education Regulations: Continuing Education Courses**

- 4. Public Comment on Items Not on the Agenda**

Note: The Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).] Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Chair.

5. Future Agenda Items

Note: The Committee may not discuss or take action on any matter raised during this future agenda items section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125.]

6. Adjournment

Meetings of the Board of Chiropractic Examiners' Committee are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board's Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at (916) 263-5355 or e-mail chiroinfo@dca.ca.gov or send a written request to the Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



Agenda Item 2
October 10, 2019

Approval of August 22, 2019 Committee Meeting Minutes

Purpose of the item

The Licensing and Continuing Education Committee will review the August 22nd, 2019 Committee Meeting minutes.

Action(s) requested

The Committee will be asked to make a motion to approve the August 22nd, 2019 Committee Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Meeting minutes from the August 22nd, 2019 Licensing & Continuing Education Committee Meeting.

**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Licensing & Continuing Education Committee
August 22, 2019**

Teleconference Meeting Locations:

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

Sergio Azzolino, D.C., Chair
Azzolino Chiropractic Neurology &
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David Paris, D.C.
VA Health Administration in Redding
760 Cypress Ave.
Redding, CA 96001
(530) 244-8806

Committee Members Present

Sergio Azzolino, D.C., Chair
Heather Dehn, D.C.
David Paris, D.C.

Staff Present

Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Michael Kanotz, Senior Attorney
Dixie Van Allen, Staff Services Manager
Natalie Boyer, Continuing Education Analyst
Tammi Pitto, Staff Services Analyst

Call to Order

Dr. Azzolino called the meeting to order at 12:03 p.m.

Roll Call

Dr. Dehn called roll. All members were present at addresses listed on the agenda. A quorum was established.

Approval of June 28, 2019 Committee Meeting Minutes

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE June 28th, 2019 LICENSING & CONTINUING EDUCATION COMMITTEE MEETING.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: Dr. Azzolino wished to abstain from voting as he was not yet a member of the Committee.

VOTE: 2-0, 1 - ABSTAINED (DR. PARIS – AYE, DR. DEHN– AYE DR. AZZOLINO – ABSTAIN)

MOTION CARRIED.

Review, Discussion and Possible Action on proposed Language to Continuing Education Regulations: Denial & Appeal of Providers and Denial & Appeal of Continuing Education Courses.

Ms. Boyer introduced the draft language document, beginning with the proposed added California Code of Regulations (CCR) Section 362.1, Continuing Education (CE) Provider Duties and Responsibilities. Ms. Boyer summarized the section and acknowledged that the listed duties and the CE Provider Application were grounds for withdrawal of approval or denial as identified in the newly proposed CCR Section 362.2, Continuing Education Providers Denial and Appeal Process.

Mr. McCarther drew the Committee's attention to proposed draft language in CCR Section 362.1 (a) (5), he suggested adding "substantive changes, including but not limited to,". He also suggested that providers would need to submit new advertising materials, prior to receiving approval, for any substantive changes to their courses and to include a 14-day timeframe to process approval of course changes.

Dr. Azzolino agreed with all suggested changes.

Mr. McCarther inquired if the 14-day processing timeframe would be appropriate considering the potential course changes and approval process.

Ms. Van Allen mentioned that currently providers are required to submit their original CE applications 45 days prior to their events, if they submitted additional changes to the course a week before the event date, staff would be reviewing and offering approval potentially after the course had been offered.

Mr. Puleo suggested including that providers may not implement changes until they have received written approval from the Board.

Public Comment: Ms. Mary Witcraft, Continuing Education Manager from California Chiropractic Association, inquired if there could be a shortened processing time for smaller course changes, versus the 14-days suggested.

Mr. McCarther responded that, in reality, changes would be processed and approved on a much faster timeline but should an unexpected event arise Board staff would need to be allowed appropriate time to complete the review.

Mr. Kanotz suggested including a provision to state that depending on how substantive the change was, a completely new CE application might be required.

The Committee was in agreement on the proposed language and policy changes to CCR Section 362.1 (a) (5).

Ms. Boyer transitioned the conversation to the proposed additional section in the draft language document: CCR Section 362.2, Continuing Education Providers Denial and Appeal Process.

Mr. Puleo suggested changing the section title to Continuing Education Provider Withdrawal, Denial and Appeal Process.

Ms. Boyer summarized the causes for a provider's status withdrawal or denial. She highlighted that several of the causes were related to administrative action against a provider's license or potential criminal background record, which staff members were not confident would be possible to include in the regulation.

Mr. Puleo pointed out that these causes provided a disadvantage to providers who were also California chiropractic licensees, as the Board would have their license history and criminal background record. He reminded the Committee that the providers' demographic consisted of universities, associations, large organizations and not just individual licensees, which would make administering disciplinary action difficult as it would be problematic for the Board to hold one individual accountable from a larger organization for a violation.

Mr. Kanotz agreed that the regulations would have to be very detailed to include all potential scenarios and even due process hearings to administer violations correctly.

Mr. Puleo went on to describe potential situations that would make enforcing this portion of the regulation extremely challenging.

Mr. Kanotz pointed out that it would be the Board's burden to show necessity for requiring criminal background information from providers when submitting regulations to the Office of Administrative Law (OAL).

Mr. Puleo encouraged the Committee to remove the conviction references from the regulation.

Dr. Azzolino voiced his concern with allowing individuals with potential criminal backgrounds to become CE providers.

Mr. Puleo went on to describe the convoluted nature of determining whom would be the best individual to request criminal background information from, especially in larger organizations where there could be multiple staff members who participate in administering CE.

Determining which sole individual to focus on would be extremely taxing and potentially would not serve the ultimate purpose of preventing consumer harm.

Dr. Dehn inquired if a statement could be included that allowed the Board the ability to review a situation if they became aware of misdeeds. She felt it important to have a provision that allowed the Board the ability to investigate if the need arose.

Mr. Puleo responded that for a licensee that could be possible but for universities and larger organizations it would be challenging to investigate or even have jurisdiction over whomever appeared to be behaving inappropriately.

Dr. Dehn reiterated that including some provision to allow the Board to review complaints or suspicions would be appropriate. Without one, the Board has no authority to investigate.

Dr. Azzolino agreed and felt that the discretion to pursue action needed to lie with the Board.

Dr. Paris inquired if it was possible to have CE providers attest that they did not have a criminal background but not require them to produce a background check or report.

Mr. Kanotz responded that due processes actions would need to be taken into account if the Board was interested in having a discretionary category to review providers behavior or if the Board wished to have criminal records as a standard for denial of CE providers. Mr. Kanotz went on to suggest that there would be more opportunity to ask criminal background questions of CE instructors.

Mr. McCarther proposed removing the subsections that referred to criminal backgrounds and relying on the proposed language additions of CCR Section 362.2 (a) (4) to fulfill the Board's desires. Providers could attest to 'yes' or 'no' questions regarding their backgrounds and the Board would ultimately only seek violations if it became known that a provider answered dishonestly.

Mr. Kanotz responded that it would be challenging to prove necessity if the criminal conviction was not a part of the application's denial criteria but was included in an attestation.

Mr. Puleo hypothesized that OAL would deny the regulatory package if it required criminal backgrounds of providers.

Dr. Dehn agreed that she did not want the package denied, but was still interested in any possibility that could allow the Board discretion into reviewing providers.

Mr. Puleo stated that he would research the possibility of including any items related to background checks and he would report back to the Committee.

The Committee agreed to table the conversation until more information could be presented.

Ms. Van Allen inquired about CCR Section 362.1 (6) (H) and whether the meta-competencies would take the place of the subject areas on the CE completion certificate.

Mr. McCarther agreed that it would and also went on to state that 'meta' would be removed from all future CE documents and going forward only 'competency' would be listed.

Dr. Dehn also had a question regarding proposed language in CCR Section 362.2 (a) (6), she felt that the language was not clear enough for providers to understand potential violations.

Mr. McCarther agreed that the subsection should be clarified.

Mr. Puleo suggested separating CCR Section 362.2 into three distinct sections; Cause for Denial of a Provider Application, Cause for Withdrawal of Approval and an Appeal Process.

Ms. Boyer went on to summarize the proposed draft components included in CCR Section 362.2 (b) "Categories of recommended penalties". She included the proposed changes to CCR Section 362.2 (b) (1), which would include adding a timeframe a violation notice would be displayed on the board's website. The suggestion was to have the violation available on the board's website for the duration of the current provider's approval timeframe or no less than one year.

The Committee was in agreement.

Ms. Boyer went on to review the appeal process for a provider whose status had been withdrawn.

Dr. Azzolino and Dr. Paris agreed that a CE Review Committee would be more appropriate and expeditious than the full Board, but also suggested listing the make up of the CE Review Committee as the standing members of the Licensing & CE Committee.

Mr. McCarther questioned whether there should be a timeframe when a provider would be required to stop offering CE courses if they were in the appeal process of a revoked provider status.

Mr. Puleo suggested that they wouldn't be required to stop until they had exhausted their due process and received a final decision from the CE Review Committee.

Mr. Kanotz added that he would like to conduct some research into whether or not the Committee would be required to make a recommendation for a vote by the full Board.

Dr. Dehn inquired whether mail votes would be appropriate in this context.

Mr. Kanotz implied that mail votes could be a possibility or potentially a brief report at a full Board Meeting.

Ms. Boyer voiced her concern over having a provider wait for a decision until a full Board Meeting, as it could be a lengthy amount of time that they would continue to offer CE courses, despite their potentially egregious violation.

Mr. Puleo inquired if it was necessary to have the Review Committee hear the full appeal, or if he could issue a report and his decision to the Committee Members.

Mr. Kanotz implied that the Executive Officer could not issue a report, as it would go against administrative law protocol, the Board or one of its Committees would need to hear the appeal and ratify the decision.

Ms. Boyer went on to introduce CCR Section 363, Approval of Continuing Education Courses and the draft CE Provider Application and CE Course Event Application.

Mr. McCarther wished to review the CE Provider Application with the Committee.

Ms. Boyer reviewed the CE Provider Application and the number of contact individuals needed on the form; the Responsible Party, a primary CE contact and a secondary CE contact.

Dr. Azzolino inquired if instructors would be identifying themselves on this application.

Ms. Boyer responded that the instructors would be listed on the CE Course Event Application.

Mr. McCarther added that staff would be adding a portion to include the contact details of the primary and secondary CE contact individuals.

Mr. McCarther went on to review the provider questions listed on the second page of the application. He inquired of Mr. Kanotz whether the questions were valid, considering the Board would not deny a provider based on the information they submitted.

Mr. Kanotz responded that the standards of qualifications for providers would need to be identified in the regulation for there to be denial criteria. If the Board wished to ask for these materials without necessarily evaluating them, then the provision in the regulation could simply state 'without a response to these questions the provider would be denied'.

Mr. McCarther agreed that was more likely what would be needed.

Staff discussed the possibilities of requiring providers to submit supplemental material with their CE Provider Application but not specifically stipulating what would constitute as a denial if content was not to the Board's specifications. Determining appropriate criteria for the documents would be extremely burdensome for the regulatory process.

Dr. Paris suggested responding to providers with areas of concern regarding their supplemental material, without being prescriptive of what their documentation needed to consist of.

Mr. Puleo responded that if staff were to raise concerns with the provider's material there would also have to be a corresponding criteria section for those materials in the regulation.

Mr. McCarther agreed with Dr. Paris' sentiment, that staff would be available to offer guidance to providers should their documents be lacking in any particular way, but ultimately without corresponding language in the regulation, the Board would not have the authority to make providers change or alter what they had submitted with their application.

Dr. Paris asked for clarification about whether the providers would simply be attesting to their willingness to complete the items listed on the application or would they be required to demonstrate their ability to do so.

Mr. McCarther responded that providers would be required to provide examples of all items listed on the application but there would not be criteria to evaluate the material for a potential approval or denial. By complying with the application and providing all material to the Board, that would ultimately suffice as grounds for approval.

Dr. Paris suggested simply changing the form to 'yes' or 'no' questions, if the material would not have the possibility of being reviewed for quality.

Ms. Boyer supplied that a potential benefit of requiring providers to submit material was that should complaints arise of poor attendance keeping or completion certificates the Board would have the initial application and their material and hold the providers accountable for any indiscretions.

Mr. Puleo agreed that the Board would be able to hold the providers accountable for their own documents for future disciplinary actions.

Mr. Kanotz added that as a state entity, the Board did not have any mechanism to adjudicate whether a fact was true or not on a particular application. Other than going through an administrative law judge, which would require supplying evidence and a considerable amount of time.

Ms. Van Allen inquired if there could potentially be problems with the necessity standard through OAL, if the application required specific material but the regulations did not include standards for each item requested.

Mr. Kanotz responded that the necessity could be achieved by highlighting the Board's need to validate licensees CE records with the CE providers.

Mr. McCarther moved on to the final page of the application with the criminal background questions and acknowledged that those would be removed.

Dr. Azzolino raised concerns over approving providers that Board Members might have knowledge of their past criminal convictions.

Mr. McCarther wished to move on to the CE Event Application as there was additional information in that application that could potentially ease some of the Committee Member's fears.

Mr. McCarther reviewed the contents of the CE Event Application, on the second page the provider would identify which competency the course content would be based on and the amount of hours they were requesting.

Dr. Paris inquired if any learning objectives would be listed on the application for providers to select from.

Ms. Boyer shared that the course outline and hourly breakdown documents would be the most robust portion of the application, with the outline including the competency and specific objective for each hour of content.

Dr. Paris agreed with this method.

Mr. McCarther drew the Committee's attention to the final page of the application, with the instructor's attestation form. Mr. McCarther felt that any instructor who responded in the affirmative for these specific questions would be grounds for course denial.

The Committee agreed.

Dr. Dehn also inquired if a question could be included of whether an instructor had been excluded from an insurance or Medicare panel or has had their privileges revoked from working with a particular insurance company.

Dr. Paris inquired of legal counsel whether a question regarding insurance exemptions could be included as it was not a criminal action nor was it an action from a licensing board.

Mr. Kanotz responded that if the question was included, the Board would need to take the word of the instructor, as they had signed the attestation form. As previously mentioned, there would be challenges to adjudicate whether the answer was true or not. Mr. Kanotz went on to state that the Board would have more latitude with questions to instructors as the argument could be made that it was the Board's inherent duty to vet those individuals teaching licensees. But ultimately there could be problems related to resolving a dispute should an instructor challenge a denial.

Dr. Dehn posed a final request to have the Post Course Evaluation Form available for review and discussion at the next Committee Meeting.

Public Comment on Items Not on the Agenda

There was none.

Future Agenda Items

There was none.

Adjournment

Dr. Azzolino adjourned the meeting at 1:23 p.m.



**Agenda Item 3
October 10, 2019**

Review, Discussion and Possible Action on Proposed Language to Continuing Education Regulations: Continuing Education Courses

Purpose of the item

The Committee will review and discuss the proposed regulatory language changes to the Continuing Education (CE) regulations, California Code of Regulations (CCR) Articles 6 – Continuing Education, Sections 363 – 363.4.

Action(s) requested

Staff requests an exploratory discussion regarding policy topics and regulatory language changes.

Background

The Licensing & CE Committee reviewed draft regulatory language changes to the CE regulations at the August 22nd, 2019 Committee Meeting. They reviewed proposed amendments surrounding the CE Provider withdrawal, denial and appeal process. Continuing in a similar vein, the Committee will discuss any policy issues or necessary changes to proposed language surrounding the CE course application approval process, distance learning course approval, withdrawal criteria, denial criteria and appeal process.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Draft Language for CCR Sections 363-363.4
- Continuing Education Competencies
- Mock up – CE Event Application
- Post Course Evaluation Form

Board of Chiropractic Examiners DRAFT language

Sections 363-363.4

§363. Approval of Continuing Education Courses.

(a) Providers must complete and submit a "Continuing Education ~~Course~~ Event Application" form (Revision date ~~02/10~~ "DATE") which is hereby incorporated by reference, and pay the non-refundable application fee as ~~provided~~ referenced by Section 360(e) Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code, at least 45 days prior to the date of the ~~course event~~. ~~Providers shall submit and complete one application for each continuing education course being offered.~~

(b) A "course" is defined as an approved program of coordinated instruction in any one of the ~~subject areas~~ competencies as defined in Section 361(g) (1) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the provider. A course, and its corresponding application, may not consist of more than one ~~subject area~~ competency as defined in Section 361(g) (1).

(c) The following documentation shall be submitted with each "Continuing Education Course Event Application":

(1) A course description, including the explicit competencies, course objectives and participant outcomes, based on the "Continuing Education Competencies" document;

Commented [BN1]: Should 1 and 2 be combined?
Requesting similar content.

(2) ~~A~~ detailed hourly breakdown of the continuing education course content, identifying the competencies and instructor for each hour of instruction;

(3) A final copy of the syllabus/course schedule including seminar name, date and location of seminar, instructor(s) name, ~~course description, educational objectives,~~ teaching methods, ~~course schedule/outline,~~ recommended reading, disclosure of expenses underwritten or subsidized by vendors of any goods, and supplies or services;

(4) Name and contact details of the provider's certifying attendance official;

(5) A copy of the course brochure and all other promotional material to be used;

(6) A curriculum vitae for each instructor demonstrating an appropriately credentialed individual based on the content of the course, ~~the CV is to~~ including the instructor's name and address; the type of educational degree including the name of the college and year the degree was received; license information including status and name of licensing agency; certification including status and name of certifying agency; the type, location and years of practical experience; the type, location and years of teaching experience; the type, location and years of

research experience; the type, location and years of other relevant experience; and the title, journal, and date of publications;

(7) Attestation form for each instructor, completed by the instructor, listed in the application;

(8) Examples of the course completion certificate;

(9) The "Post Course Evaluation Form", which is hereby incorporated by reference.

~~(d) DENIAL AND APPEAL PROCESS: If a course application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing regarding the reasons stated in their denial notification, with the Executive Officer. The appeal must be filed within 30 days of the date of the denial notification.~~

~~The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board meeting with the Board's Review Committee to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting meeting but not no later than 180 days following receipt of the request. Within 10 days of the hearing before the board meeting before the Review Committee, the Executive Officer shall provide written notification of the board's Committee's decision to the applicant. The board's Committee's decision shall be the final order in the matter.~~

~~(e)~~ (d) Only those courses that meet the following shall be approved:

(1) "Continuing Education Event Application" form completed in full.

(2) No more than twelve (12) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.

(3) Each hour of continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience. Class breaks shall be at the discretion of the instructor and shall not count towards a course hour. Providers shall ~~furnish~~ administer an ~~sign-in sheet~~ attendance tracking method that contains the course date(s), each licensee's name, license number, and ~~designated space for each licensee to sign in an opportunity for licensee's attendance to be tracked~~ at the beginning and conclusion of the course each day. Furthermore, the form shall state that a licensee by ~~signing their name on that sheet, is declaring under penalty of perjury tracking their attendance,~~ that they attest to having personally attended the stated course, on the listed date(s) and they personally attended the listed hours of course work. Each licensee shall be responsible for ~~signing the "sign-in sheet" tracking their attendance with the provider~~ at the start and conclusion of each day's coursework, and failure to do so may invalidate credit for that day's coursework.

Providers shall retain ~~sign-in sheets~~ attendance records for four (4) years from the date of course completion and shall provide copies to the Board within thirty (30) days upon written request.

~~(f)~~ (e) The board shall not approve the following subjects for continuing education courses: financial management, income generation, practice building, collections, self-motivation, business techniques or principles that teach concepts to increase patient visits or patient billings per visit, and patient recruitment.

~~(g)~~ (f) If a provider makes a substantive change in content, the amount of hours, course marketing material, date, instructor or location of an approved course, he or she shall notify the board as soon as possible of the changes prior to giving the course. The board shall have 14-days to process and approve or deny the submitted changes, the provider may not enact changes without the boards written approval. A new application may be required as determined by the Executive Officer.

§363.1. Distance Learning Courses.

In addition to the applicable requirements of Sections 362, ~~362.1~~ and 363, providers of continuing education courses offered through ~~distance learning formats, including, but not limited to, computer, Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes~~ multi-media platforms, shall meet all of the following:

~~(a)~~ Disclose course instructors' curriculum vitae or resumes.

~~(b)~~ (a) Explain the appropriate level of technology required for a student licensee to successfully participate in the course.

~~(c)~~ (b) Make available technical assistance as appropriate to the format.

~~(d)~~ (c) Contain security measures to protect the learner's identity, course and related content from unauthorized access.

~~(e)~~ Establish a deadline for completion.

~~(f)~~ (d) Establish a timekeeping mechanism to confirm licensee's participation and completion of the course.

~~(g)~~ (e) Review instructional materials annually to ensure the content is current and relevant.

~~(h)~~ (f) The continuing education provider shall notify the licensee when he or she is leaving a continuing education site and directed to a promotional or sponsored site. Course material may not endorse manufacturers, distributors, or other sellers of chiropractic products or services. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

Commented [BN2]: May not be possible due to technology requirements on providers part.

§363.2. Causes for Continuing Education Course Withdrawal.

(a) The board may withdraw its approval from a course for causes that include, but are not limited to, the following:

(1). The instructor has been convicted of a crime substantially related to the activities of a provider or licensee;

(2). The instructor has had a license revoked, suspended, placed on probation, voluntarily surrendered or otherwise disciplined by the board or by the jurisdiction the provider or applicant holds their license;

(3). If an administrative action is pending against an instructor's license;

(4). Any material misrepresentation of fact of any documents required to be submitted to the board by the instructor or provider and/or any misrepresentation by an instructor during the course of a continuing education event.

§363.3. Causes for Continuing Education Course Denial.

(a) The board may deny a Continuing Education Event Application for causes that include, but are not limited to, the following:

(1). The instructor has been convicted of a crime substantially related to the activities of a provider or licensee;

(2). The instructor has had a license revoked, suspended, placed on probation, voluntarily surrendered or otherwise disciplined by the board or by the jurisdiction the provider or applicant holds their license;

(3). If an administrative action is pending against an instructor's license;

(4). Any material misrepresentation of fact of any documents required to be submitted to the board by the instructor or provider and/or any misrepresentation by an instructor during the course of a continuing education event.

§363.4. Continuing Education Course Appeal Process.

~~(a)~~ (a) The Executive Officer, after notification, may withdraw approval of any continuing education course for ~~good cause, including, but not limited to,~~ a violations of any provision of this regulation or falsification of information and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive

Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification.

~~The~~ If an appeal is sought it must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider. If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a ~~hearing before the board~~ meeting before the Board's Review Committee to appeal the Executive Officer's decision. The Review Committee shall consist of the standing members in the Licensing & Continuing Education Committee. The Executive Officer shall schedule the requested ~~hearing at a future board meeting meeting but not no~~ later than 180 days following receipt of the request. Within 10 days of the ~~hearing before the board~~ meeting before the Review Committee, the Executive Officer shall provide written notification of the ~~board's~~ Committee's decision to the provider. The ~~board's~~ Committee's decision shall be the final order in the matter.

(b). If a course application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing regarding the reasons stated in their denial notification, with the Executive Officer. An appeal must be filed within 30 days of the date of the denial notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board meeting with the Board's Review Committee to appeal the denial. The Review Committee shall consist of the standing members in the Licensing & Continuing Education Committee. The Executive Officer shall schedule the requested hearing at a future board meeting meeting but not no later than 180 days following receipt of the request. Within 10 days of the hearing before the board meeting before the Review Committee, the Executive Officer shall provide written notification of the board's Committee's decision to the applicant. The board's Committee's decision shall be the final order in the matter.

Commented [BN3]: Length of time of withdrawal and denial?

Could a provider reapply with the same course at a future date?

Continuing Education Competencies

Competency 1: Assessment and Diagnosis

Assessment and diagnosis require developed clinical reasoning skills. Clinical reasoning consists of data gathering and interpretation, hypothesis generation and testing, and critical evaluation of diagnostic strategies. This dynamic process includes the collection and assessment of data through history, physical examination, imaging, laboratory tests and case-related clinical services.

CURRICULAR OBJECTIVES:

- A. Compile a case-appropriate history that evaluates the patient's health status, including a history of any present illness, systems review, and review of past, family and psychosocial histories for the purpose of constructing a differential diagnosis and directing clinical decision-making.
- B. Determine the need for and availability of external health records.
- C. Perform case-appropriate examinations that include evaluations of body regions and organ systems, including the spine and any subluxation/segmental dysfunction that assist the clinician in developing the diagnosis/es.
- D. Perform and utilize diagnostic studies and consultations when appropriate, inclusive of imaging, clinical laboratory, and specialized testing procedures, to obtain objective clinical data.
- E. Formulate a diagnosis/es supported by information gathered from the history, examination, and diagnostic studies.

COMPETENCY 2 - MANAGEMENT PLAN

Management involves the development, implementation and monitoring of a patient care plan for positively impacting a patient's health and well-being, including specific healthcare goals and prognoses. It may include case follow-up, referral, and/or collaborative care.

CURRICULAR OBJECTIVE:

- A. Develop a management plan appropriate to the diagnosis/es, the patient's health status, obstacles to improvement, specific goals, and prognoses, while incorporating patient values and expectations of care.
- B. Determine the need for chiropractic adjustment/manipulation or other forms of passive care.
- C. Determine the need for active care.
- D. Determine the need for changes in patient behavior and activities of daily living.
- E. Determine the need for emergency care, referral and/or collaborative care.
- F. Provide information to patients of risks, benefits, natural history and alternatives to care regarding the proposed management plan.
- G. Obtain informed consent.
- H. Monitor patient progress and alter management plans accordingly.
- I. Recognize the point of a patient's maximum improvement and release the patient from care, or determine rationales for any ongoing care.

COMPETENCY 3 - HEALTH PROMOTION AND DISEASE PREVENTION

Health promotion and disease prevention requires an understanding and application of epidemiological principles regarding the nature and identification of health issues in diverse populations and recognition of the impact of biological, chemical, behavioral, structural, psychosocial and environmental factors on general health.

CURRICULAR OBJECTIVE:

- A. Identify appropriate hygiene in a clinical environment.
- B. Explain health risk factors, leading health indicators and public health issues to patients.
- C. Identify public health issues in diverse populations.
- D. Understand their reporting responsibility regarding public health risks and issues.

COMPETENCY 4 - COMMUNICATION AND RECORD KEEPING

Effective communication includes oral, written and nonverbal skills with appropriate sensitivity, clarity and control for a wide range of healthcare related activities, to include patient care, professional communication, health education, record keeping and reporting.

CURRICULAR OBJECTIVE:

- A. Communicate effectively, accurately and appropriately, in writing and interpersonally with diverse audiences.
- B. Acknowledge the need for, and apply cultural sensitivity in, communications with patients and others.
- C. Create intraoffice policies and procedures and provide adequate resources for training, prevention and investigation of reports of inappropriate behavior by staff or chiropractors.
- D. Create and maintain accurate, appropriate and legible records.
- E. Comply with regulatory standards and responsibilities for patient and business records.
- F. Comply with state and federal laws for billing and coding, including appropriate documentation.
- G. Maintain ethical standards for billing and coding, of necessary and appropriate care.

COMPETENCY 5 - PROFESSIONAL ETHICS AND JURISPRUDENCE

Professionals are expected to comply with state and federal law and exhibit ethical behavior.

CURRICULAR OBJECTIVE:

- A. Apply knowledge of ethical principles and boundaries.
- B. Apply knowledge of applicable health care laws and regulations.
- C. Apply knowledge of ~~expected~~ appropriate professional conduct with staff and patients.
- D. Apply sensitivity in comportment with staff and patients in regards to bullying, sexual impropriety and relationship boundary transgressions.

COMPETENCY 6 - INFORMATION AND TECHNOLOGY LITERACY

Information literacy is a set of abilities, including the use of technology, to locate, evaluate and integrate research and other types of evidence to manage patient care.

CURRICULAR OBJECTIVE:

- A. Locate, critically appraise and use relevant scientific literature and other evidence.

COMPETENCY 7 – CHIROPRACTIC ADJUSTMENT/MANIPULATION

Doctors of chiropractic employ the adjustment/manipulation to address joint and neurophysiologic dysfunction. The adjustment/manipulation is a precise procedure requiring the discrimination and identification of dysfunction, interpretation and application of clinical knowledge; and the use of cognitive and psychomotor skills.

CURRICULAR OBJECTIVE:

- A. Assess normal and abnormal structural, neurological and functional articular relationships.
- B. Evaluate the clinical indications and rationale for selecting a particular chiropractic adjustment/manipulation.

- C. Determine, based on clinical indications and risk factors, the appropriateness of delivering chiropractic adjustment/manipulation.
- D. Demonstrate the knowledge, mechanical principles, and psychomotor skills necessary to safely perform chiropractic adjustment/manipulation.
- E. Assess the patient outcome(s) of the chiropractic adjustment/manipulation.

COMPETENCY 8 – INTER-PROFESSIONAL EDUCATION

Students have the knowledge, skills and values necessary to function as part of an inter-professional team to provide patient-centered collaborative care. Inter-professional teamwork may be demonstrated in didactic, clinical or simulated learning environments.

CURRICULAR OBJECTIVE:

- A. Work with other health professionals to maintain a climate of mutual respect and shared values, placing the interests of patients at the center of inter-professional health care delivery.
- B. Use the knowledge of one's own role and other professions' roles to effectively interact with team members.
- C. Understand different models of inter-professional care, organizational and administrative structures, and the decision-making processes that accompany them.
- D. Understand the principles of team dynamics to perform effectively on an inter-professional team influencing patient-centered care that is safe, timely, efficient, effective and equitable.
- E. Organize and communicate with patients, families, and healthcare team members to ensure common understanding of information, treatment and care decisions.



Continuing Education (CE) Event Application

All questions on this application must be answered. Please submit the completed application, supporting documentation and check or money order in the amount of \$56.00 for the application fee at least 45 days prior to the first scheduled course date. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. Incomplete applications or applications with incorrect fees will be returned to the provider during the initial review process.

Only Providers who have been previously approved by the Board of Chiropractic Examiners may submit continuing education courses for review.

Provider Name:	
Name of responsible party for all continuing education communication:	
Address:	
Telephone Number:	Email address:

Title of Course:	
Type of program:	
In Person Course: <input type="checkbox"/>	Distance Learning Course: <input type="checkbox"/>

Office Use Only	
Receipt Number _____	Date Cashiered _____

DOCUMENTATION

- A course description, including the explicit competencies, course objectives and participant outcomes, based on the “Continuing Education Competencies” document;
- A detailed hourly breakdown of the continuing education course content, identifying the competencies and instructor for each hour of instruction;
- A final copy of the syllabus/course schedule including seminar name, date and location of seminar, instructor(s) name, teaching methods, recommended reading, disclosure of expenses underwritten or subsidized by vendors of any goods, supplies or services;
- Name and contact details of certifying attendance official;
- Promotional materials for courses;
- Instructor’s CV, exemplifying appropriate certifications and qualifications for the subject matter the application is listed under. When applicable, professional license number;
- Attestation form completed for by the instructor. If the course is a hands-on chiropractic adjustive technique workshop taking place in California, the instructor must be a California licensed chiropractor;
- Example of a course completion certificate;
- The Post Course Evaluation Form.

For Distance Learning Courses:

All above documentation is needed, in addition to documentation or a statement of the following:

- Explanation of the appropriate level of technology required for a student licensee to successfully participate in the course;
- Available technical assistance as appropriate to the format;
- A statement containing the security measures to protect the learner's identity, course and related content from unauthorized access;
- Timekeeping mechanism to confirm licensee’s participation and completion of the course.

Please complete bottom form for as many instructors lecturing.

Lecture Title:		
Instructor Name and License Number (if applicable):		
Course Date:	Location:	Hours of course:
Certifying Attendance Official:		Contact Details:

Lecture Title:		
Instructor Name and License Number (if applicable):		
Course Date:	Location:	Hours of course:
Certifying Attendance Official:		Contact Details:

Lecture Title:		
Instructor Name and License Number (if applicable):		
Course Date:	Location:	Hours of course:
Certifying Attendance Official:		Contact Details:

Instructor Attestation Form

An attestation form must be completed by each course instructor.

Provider Name:	
Instructor Name:	Course Title:
License Number:	

Are you currently in good standing with each licensing jurisdiction in which you hold or have held a license? If no, attach an explanation identifying the licensing entity and reason the license is not in good standing.

YES NO

Are you currently under investigation by a regulatory agency? If yes, attach an explanation identifying the licensing entity and the nature and status of the investigation.

YES NO

Have you had a license placed on probation or restricted within the past five years in this or any other jurisdiction? If yes, attach an explanation.

YES NO

Have you had a license suspended, surrendered or revoked in this or any other jurisdiction. If yes, attach an explanation identifying the licensing entity and the date and nature of the sanction.

YES NO

Have you had an initial or renewal license application denied for unprofessional conduct? If yes, attach an explanation identifying the licensing entity and the date of and reason for the denial.

YES NO

Are you under investigation for or have been charged with a criminal offense? If yes, attach an explanation identifying the nature and status of the investigation and all relevant police records.

YES NO

Have you been convicted of a misdemeanor involving moral turpitude or a felony in this or any other jurisdiction? If yes, attach an explanation of the nature of the crime, the dates of arrest and conviction, the law enforcement agency and court having jurisdiction and all relevant police and court documents.

YES NO

I hereby certify that the information provided is true, correct and complete to the best of my knowledge. I also certify that I personally read and completed this application and have read the instructions.

Signature of Course Instructor

Date



Post Course Evaluation Form

1. Did this activity meet your educational expectations?

- Exceeded Met Did not meet
 Exceeded Met Did not meet

2. Were the continuing education competencies clear to you?

- Yes No

3. Please answer the following:

	Completely/Highly	Partially/Somewhat	Not at all
Were the learning objectives adequately addressed?			
Was the activity relevant to your clinical practice?			
	Yes	No	Uncertain
Did this activity contain information that was new to you?			
Will you make any changes in your practice as a result of participating in this activity?			

4. Which of the following competency areas do you feel will be improved as a result of this activity? check all that apply

- Patient Care System Based Practice
 Medical Knowledge Practice Based Learning
 Professionalism Communication Skills

5. Was the content of the program free of commercial bias or influence?

- Yes No

If, No, please describe: