



**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Licensing & Continuing Education Committee
September 18, 2020**

Teleconference Meeting

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
Dixie Van Allen, Licensing and Continuing Education Manager I
Natalie Boyer, Continuing Education Analyst
Tammi Pitto, Enforcement Analyst
Amanda Campbell, Continuing Education Analyst
Michael Kanotz, Senior Attorney
Clay Jackson, Regulations Attorney III

Call to Order

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

Roll Call

Dr. Dehn called roll. All members were present. A quorum was established.

Approval of October 10th, 2019 Committee Meeting Minutes

MOTION: DR. DEHN MOVED TO APPROVE THE MINUTES OF THE OCTOBER 10th, 2019 LICENSING & CONTINUING EDUCATION COMMITTEE MEETING.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: Dr. McClain inquired if she was required to vote on the meeting minutes, as she was not present at the last Committee meeting.

Mr. Kanotz responded that Dr. McClain may vote if she wished but was not required to do so.

Dr. McClain inquired if research would be presented that had been discussed at the previous meeting, regarding distance learning course technology for timekeeping and recording keeping.

Ms. Boyer responded that potential technology requirements and the corresponding research were still pending for the Committee to review at a later date.

Public Comment: Dr. Marcus Strutz, chiropractor and continuing education provider with Back to Chiropractic Seminars, wished to share his experiences with a distance learning technology platform that he had recently procured.

Ms. Boyer suggested saving Dr. Strutz' comment for Agenda Item 4, when the Committee will be discussing distance learning courses.

Dr. McClain agreed to hold the comment for that time.

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

Discussion on Potential Changes to Mandatory Continuing Education Competency 5 – Professional Ethics and Jurisprudence

Dr. McClain shared that both Competency 5: Professional Ethics and Jurisprudence and the continuing education (CE) regulatory language had been updated to include several course topics for a professional boundaries course. Competency 5 would include content related to ethics, federal and state laws, the Board of Chiropractic Examiners (Board) "Top Enforcement Violations" document, and sexual harassment and bullying prevention.

Dr. Paris began the discussion by supporting the inclusion of the Top Enforcement Violations document. Dr. Paris went on to question the need to include four hours of mandatory credit in Competency 7: Chiropractic Adjustment/Manipulation, in Section 361 (e) (4).

Dr. Dehn responded that she was in favor of the four hour requirement as it was critical to what the profession does on a daily basis.

Dr. Paris agreed that the mandatory subject area was important but felt that two hours might be more appropriate.

Dr. McClain shared that the Board saw a lot of disciplinary action related to poorly trained practitioners and felt that in protecting and maintaining the adequacy of technique, it was important to mandate the four hours.

Dr. Dehn added that technique seminars seemed very busy and full of information, if the hours were reduced, it would be unlikely that all the content would be satisfactorily covered.

Dr. Paris suggested expanding the topic to include manual therapy techniques in addition to chiropractic adjustment techniques, to allow licensees a more expansive list of topics to choose from. He was concerned that this topic would become a repetitive mandate and lose its effectiveness.

Dr. Dehn responded that in the past the subject area had not been extremely flexible about allowing for evaluation or diagnosis content within the approved hours for adjustive technique. Likewise, it had been challenging to strictly define chiropractic adjustive techniques separate from other manual therapies. Dr. Dehn suggested further defining this competency area.

Mr. McCarther reminded the Committee of the exhaustive list of techniques that had been gathered from all the Board approved chiropractic colleges and suggested returning to that list if it would provide clarity for the content that could be included in Competency 7.

Dr. Dehn recalled the list but had been referring to whether the assessment of the patient should be included into the adjustive technique subject matter.

Dr. McClain recalled that the Committee had determined not to include manual therapies as part of the adjustive technique subject area to deter licensees from taking mandatory hours in topics other than the core principles of chiropractic adjustive techniques. Dr. McClain expressed the importance of ensuring those techniques remained contemporary for the practicing chiropractor.

Mr. McCarther responded that the Committee would need to provide policy guidance, as technical experts, on whether patient assessments should be included under adjustive technique mandatory hours. Staff would follow the determination of the Committee's decision on the topic.

Ms. Boyer stated that in the proposed new competency model both Competency 7: Chiropractic Adjustment/Manipulation and Competency 1: Assessment and Diagnosis had five curricular objectives that a CE provider could choose from when designing their course. There could potentially be a wide breadth of content that a provider could speak to on either topic.

Mr. Puleo added that under the new competency model it would be the responsibility of the provider to ensure participants were meeting the curricular objectives that providers identified in their application.

Dr. Dehn stated she was able to review the curricular objectives in Competency 7 and was still in favor of requiring four hours.

Dr. Paris shared his concern that the regulations over emphasized the need to complete four hours in low risk procedures that the profession accomplished with most patient visits throughout their work day.

Dr. McClain stated that these regulations were designed in mind for the chiropractic population that needed to revisit technique protocols and that those who were up to date on their profession should also be able to glean new sources of information for their practices. Dr. McClain went on to state this topic had been presented to the full Board and the determination had been to require four hours of CE in this particular subject area.

Dr. McClain requested moving forward with the agenda topic.

Dr. McClain went on to request the language of Curricular Objective D, under Competency 5, be revisited as it needed to be reworded.

Ms. Boyer introduced the changes to Competency 5 and section 361 (e), that came from combining topics from the Enforcement Unit cases and from the previous CE subject area of Ethics and Law. Ms. Boyer went on to highlight the example CE Event Application that had been included as a means to express the possibilities of content a provider could cover under Competency 5.

Dr. Paris and Dr. Dehn appreciated the example for Competency 5.

Dr. McClain posed a question regarding the Instructor Attestation form, question three, why had staff chosen to include 'five years' versus another time period.

Ms. Boyer responded that five years was consistent with her research from PACE and other state licensing boards.

Ms. Boyer also wished to acknowledge Dr. Dehn's previous request to include a question regarding an instructors' potential dismissal from a healthcare or insurance group had not been overlooked but required additional research.

Dr. Dehn appreciated the acknowledgment.

Mr. Puleo added that five years was consistent with the initial licensure application, when assessing an applicant's potential convictions or violations.

Dr. Paris inquired if the Board's legal counsel had been able to review the questions for viability.

Ms. Boyer responded that a review by legal counsel was still pending as there was still interest in potentially including more questions into the attestation.

Mr. Kanotz shared that he had reviewed the document at previous meetings and was comfortable with the statements and direction of the attestation.

Ms. Boyer reviewed the proposed changes in Section 361 (e) 1-4, that would require licensees to take four hours of CE courses under Competency 5. The annual requirement would be; two one-hour courses on topics of the licensees' choosing, one one-hour course required on professional boundaries and one one-hour course required on the Top Enforcement Violations document provided by the Board.

The Committee agreed with the changes.

Dr. Paris shared some confusion over the language, whether there would be a Top Enforcement Violations document provided by the Board or if the training was created and presented by the Board.

Mr. McCarther clarified that the Board would not have the resources to develop a course at this time. The content prescribed by the Board would be related to statistical information from the Enforcement Unit.

The Committee acknowledged some confusion in the wording of this section.

Mr. Kanotz suggested “utilized information provided by the Board” be included into the language under Section 361 (e) (3).

Dr. McClain concluded the discussion by opening the topic for public comments.

Public Comment: Dr. Marcus Strutz shared the importance of maintaining the required hours for chiropractic adjustive technique as many licensees in his seminars have admitted to a gap in their knowledge or of new material they had learned from a course. Dr. Strutz also affirmed teaching the top violations as a positive action by the Board.

Public Comment: Ms. Laurie Isenberg, Director of Postgraduate & Continuing Education at Life Chiropractic College West, had a question about whether Competency 5: Professional Ethics and Jurisprudence included cultural sensitivity and LGBTQ challenges. Ms. Isenberg went on to state that she felt the number of categories for the 14 mandatory hours were excessive, including four hours in ethics topics.

Dr. Dehn responded to Ms. Isenberg, that LGBTQ awareness would be appropriate under Competency 4: Communication and Record Keeping.

Discussion on Definitions to Classroom Courses and Distance Learning Courses

Ms. Boyer moved to agenda item 4 by introducing the challenges faced by licensees due to the Covid-19 outbreak, the current regulations had some deficiencies and licensees were not able to meet the CE requirements. The Committee needed to define the difference between classroom courses and distance learning courses in this section to clarify the language against any unforeseen events.

Ms. Boyer went on to share the proposed definitions were to maintain that a distance learning course was one where the student and instructor were physically separated and content was transmitted through technology such as the internet, audio conferencing, and one or two-way transmissions. A classroom course would be where the student and instructor are physically present in the same environment. Ms. Boyer asked for feedback from the Committee.

Dr. Paris shared a concern that the definition of distance learning did not emphasize whether it would include courses that were interactive or synchronous.

Ms. Boyer supplied that the definitions presented were focusing on the physical distance between the participants and instructors, the synchronous or asynchronous aspect of the content had not been included in these definitions.

Dr. Dehn stated that the physical distance portion was an adequate and simplified definition for the two course types.

Dr. McClain asked for opinions from the other Committee members, whether they wanted the definitions to include the synchronous and asynchronous components.

Dr. Paris felt that a more specific definition should be supplied, one with sub categories for the types of distance learning platforms that could be used by providers.

Ms. Van Allen offered that many providers were in favor of allowing synchronous, interactive courses to count as classroom credit, despite the technology they are presented through. Ms. Van Allen went on to ask the Committee if they agreed that classroom courses should be clearly defined as synchronous and distance learning courses defined as asynchronous.

Dr. Dehn shared that she felt that even a synchronous class, like Zoom, should still be considered distance learning. She went on to state that the upcoming agenda item would cover some CE exceptions that she was very supportive of, specifically authorizing the Board to change CE requirements in an emergency situation.

Dr. McClain agreed that distance learning should stay as defined and the exemptions offered by the Board would assist during any future emergency situations. Dr. McClain shared some concerns with distance learning platforms and the ability to keep participants accountable.

Dr. Paris was concerned by some of the technology examples that had been included in the definition of distance learning courses. He felt further information needed to be supplied and potentially sub categories needed to be created for all types of distance learning platforms that could be used by providers.

Dr. McClain responded that there was a fine line between being overly prescriptive on the type of technology available and potentially not having our regulations be future-proof.

Dr. McClain inquired whether this topic could be revisited with staff creating a definition that was more specific without being too restrictive.

Ms. Van Allen responded that the policy issue that needed to be answered by the Committee was whether synchronous learning via the internet and webinars should be considered as classroom or distance learning. Once that was determined, staff could draft language for the definitions.

Dr. McClain summarized that it seemed the other Committee members were in agreement that synchronous content should be considered distance learning.

Dr. Dehn and Dr. Paris agreed.

Dr. McClain concluded that this topic would be revisited now that staff had further clarification on the Committee's stance on distance learning courses and classroom courses.

Public Comment: Dr. Cliff Tao, chiropractor and CE course provider, showed support for an exemption to allow distance learning courses to include a questions and answer period for all attendees, this could assist with engagement in distance learning platforms for verification of attendees.

Public Comment: Dr. Marcus Strutz shared that he had integrated a system into his distance learning courses, where participants could view the presenter and have an ongoing quiz, the system also had a time stamp for participants activity that directly correlated to their completion certificate. Dr. Strutz went on to share that a quiz portion to a classroom course would be equally beneficial, as many participants during an in-person course are often not paying attention to the presentation. Dr. Strutz encouraged the Committee to not overlook internet-based courses as a powerful platform to deliver CE content.

Public Comment: Dr. Scott Randolph, chiropractor and President of the Alumni Association Board of Directors at the Southern California University of Health Sciences, shared that through a recent survey of the alumni, participants responded in favor to more opportunities to connect with their fellow chiropractors. The second item uncovered by the survey was that participants wished to have the option to do all CE credit online. Dr. Randolph wished to highlight three important factors on behalf of the Board of Directors: 1) the majority of the alumni requested that all online CE be made an option, 2) the global Covid-19 pandemic had created a unique environment where our lives have moved online and the software to make this necessary had increased in quality and created greater accountability of use, 3) the next generation of chiropractors were extremely tech savvy and ready for the change in CE delivery. Dr. Randolph beseeched the Committee to consider making all online CE an option for licensees.

Public Comment: Ms. Dawn Benton, Executive Director of Calchiro, encouraged the Committee to include an interactive component as a portion of the distance learning definition, she also advised the Committee that California had many rural practicing chiropractors that found it difficult to travel for classroom CE courses. Ms. Benton went on to suggest considering the model where one speaker could virtually present to several physical classroom settings at one time. Ms. Benton encouraged the Committee to consider two-way communication software as a means to earn CE credit.

Public Comment: Dr. Tao wished to reiterate the need for urgency to develop a solution for practicing chiropractors. Dr. Tao also affirmed Dr. Strutz' position of requiring quizzes for all CE courses to curb participants who do not pay attention. Dr. Tao finally spoke on behalf of California licensees who lived out of the state and country and had difficulty in completing their CE requirements.

Public Comment: Dr. Ana Facchinato, Dean of Southern California University of Health Sciences, wished to support the suggestion that all CE be made available through online means. She also offered her support and knowledge for distance learning platform research.

Public Comment: Ms. Benton encouraged the Board to review the education requirements from the Accreditation Council for Pharmacy Education.

Review, Discussion and Possible Action on Proposed Language to Continuing Education Regulations: Sections 364-366

Ms. Boyer reviewed the proposed changes for Sections 364-366.

Dr. Dehn inquired if Section 364 (f) had been moved to another section of the regulations.

Ms. Boyer affirmed that the content had been moved to Section 361, where it was more appropriate.

Dr. McClain noted a typo in the new language for Section 364 (f), 'licenses' should be 'licensees'.

Dr. Paris brought the Committee's focus to Section 366, the final paragraph and whether there would be an option to create a link on the Board's website where course participants could leave feedback regarding their CE courses.

Mr. McCarther responded that the regulation would require the provider to administer the evaluation but a simple link could be set up on the website to capture any feedback that a participant wished to leave away from the class setting.

The Committee agreed.

Dr. Paris went on to suggest that the form allow the participant to remain anonymous from the CE provider and instructor but not from the Board for the review of the feedback.

Mr. Puleo suggested allowing individuals to remain anonymous as they might fear that their CE credits would be in jeopardy. Although the Board's ability to respond to a complaint against a CE provider or course would be limited without being able to communicate with the complainant.

Mr. Jackson suggested including 'federal declarations of natural disasters' to the proposed changes in Section 364 (f).

Public Comment: Dr. Tao wished the Committee to review potential changes for full disclosure of potential conflicts of interests from CE course speakers and providers.

Public Comment on Items Not on the Agenda

There was none.

Future Agenda Items

There was none.

Adjournment

Dr. McClain adjourned the meeting at 2:13 p.m.