



**NOTICE OF TELECONFERENCE
ENFORCEMENT COMMITTEE MEETING**

October 16, 2020
12:00 p.m. to 2:00 p.m.
or until completion of business

Notice of Teleconference Meeting Held Under Executive Order N-29-20 (3/17/20)

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e276de9b07d60ecbfa45e299cb6b0c84b>

The preferred audio connection is via mobile phone. The phone number and access code will be provided as part of your connection to the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Public comments will be limited to 2 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

Important Notices to the Public: The Board of Chiropractic Examiners will hold this meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. 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, e-mailing chiro.info@dca.ca.gov, or sending 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

- 1. Call to Order & Establishment of a Quorum**
- 2. Approval of April 19, 2019, Meeting Minutes**
- 3. Review, Discussion and Possible Action on Proposed Language to Amend California Code of Regulations, Title 16, Sections 390.4 (Contested Citations) and 390.5 (Compliance with Citation/Order of Abatement)**
- 4. Review, Discussion and Possible Action Regarding the Expert Witness Program**

5. Review, Discussion and Possible Action Regarding the Top 10 Enforcement Violations

6. Update on Enforcement Program Statistical Data

7. Public Comment for Items Not on the Agenda

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

8. Future Agenda Items

Note: The Committee may not discuss or take action on any matter raised during this section, except to decide whether to place the matter on the agenda of a future meeting (Government Code section 11125).

9. Adjournment

In accordance with Executive Order N-29-20, no physical location is available for observation and public comment, so please plan to attend the meeting via the WebEx Platform or telephonically. Meetings of the Board of Chiropractic Examiners 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 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.

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, e-mailing chiro.info@dca.ca.gov, or sending 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.

HOW TO – Join – DCA WebEx Event

The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

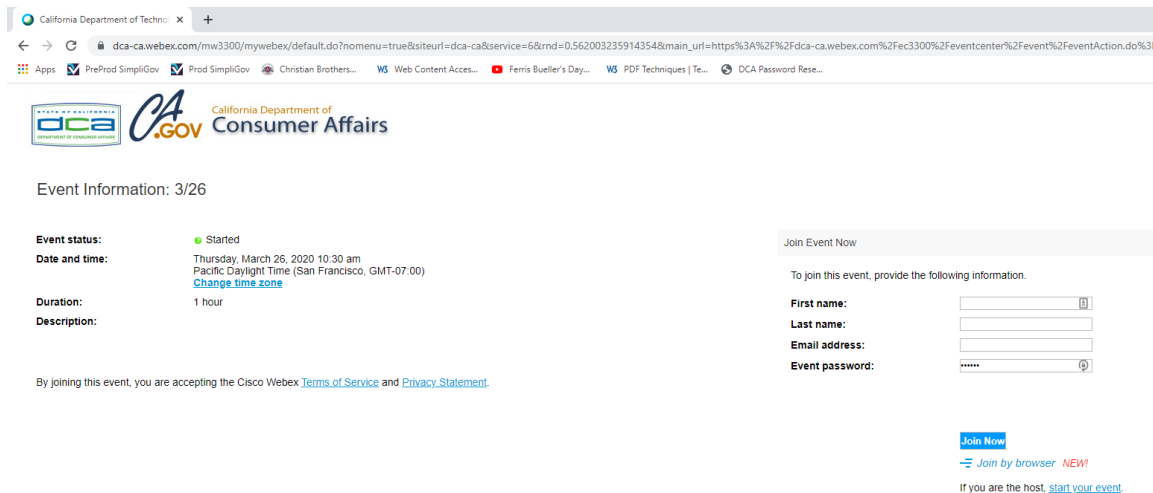
1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Meeting link:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e276de9b07d60ecbfa45e299cb6b0c84b>

Event number: 146 961 0420

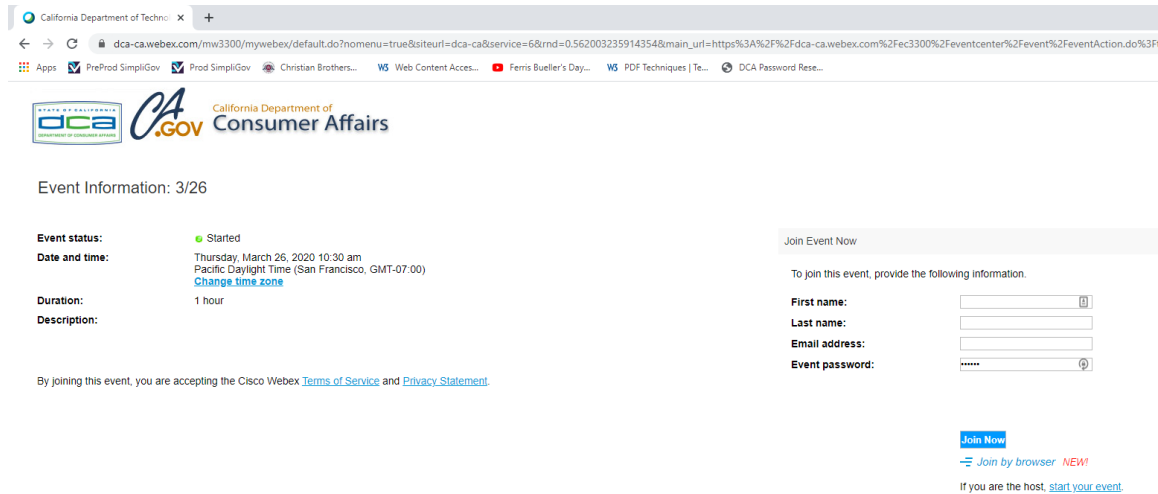
Event password: BCE101620



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

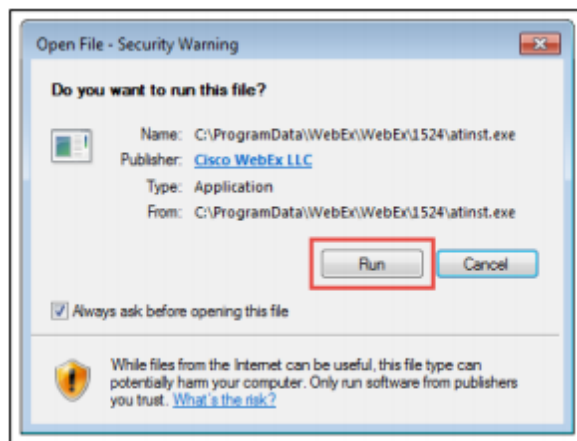
HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

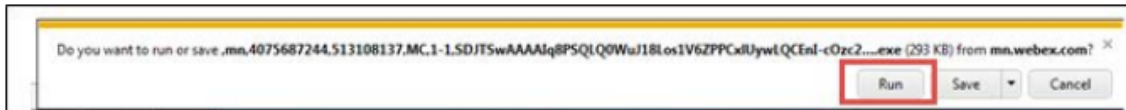
HOW TO – Join – DCA WebEx Event

Starting Webex...



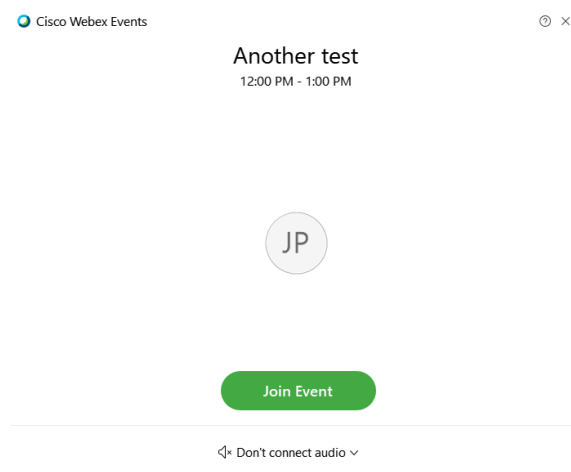
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



The temporary software will run, and the meeting window will open.

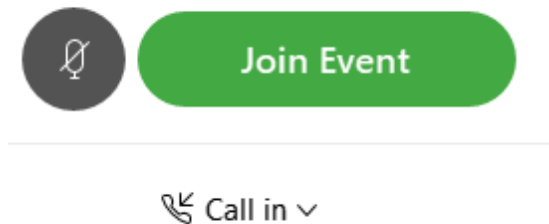
7. Click the audio menu below the green 'Join Event' button.



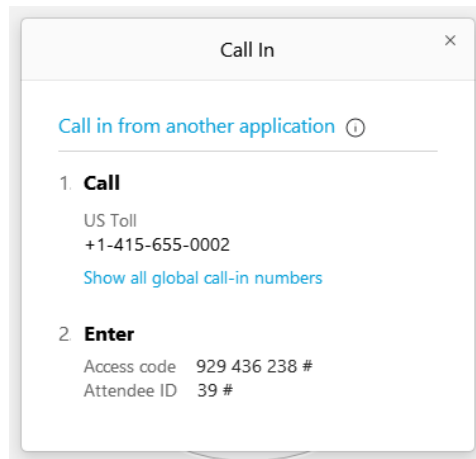
8. When the audio menu appears click 'Call in'.

HOW TO – Join – DCA WebEx Event

9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

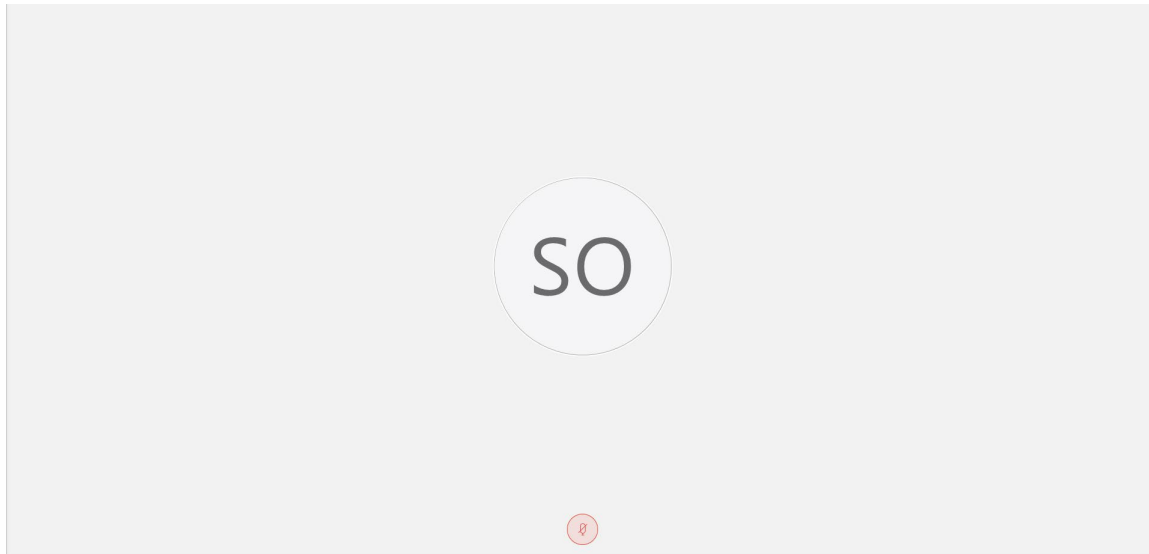


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!

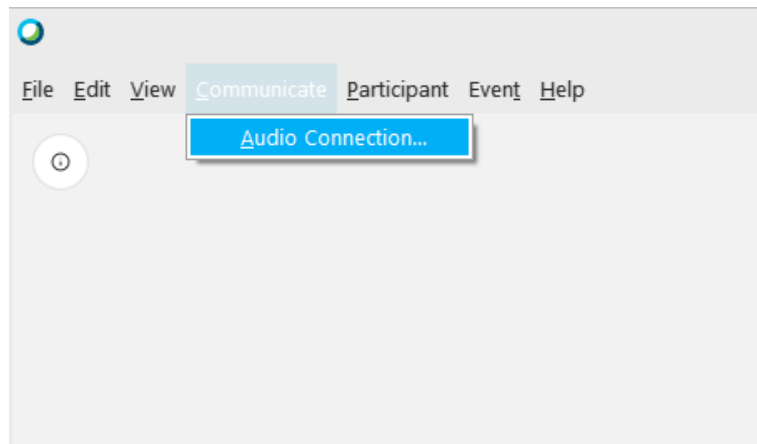


NOTE: Your audio line is muted and can only be unmuted by the event host.

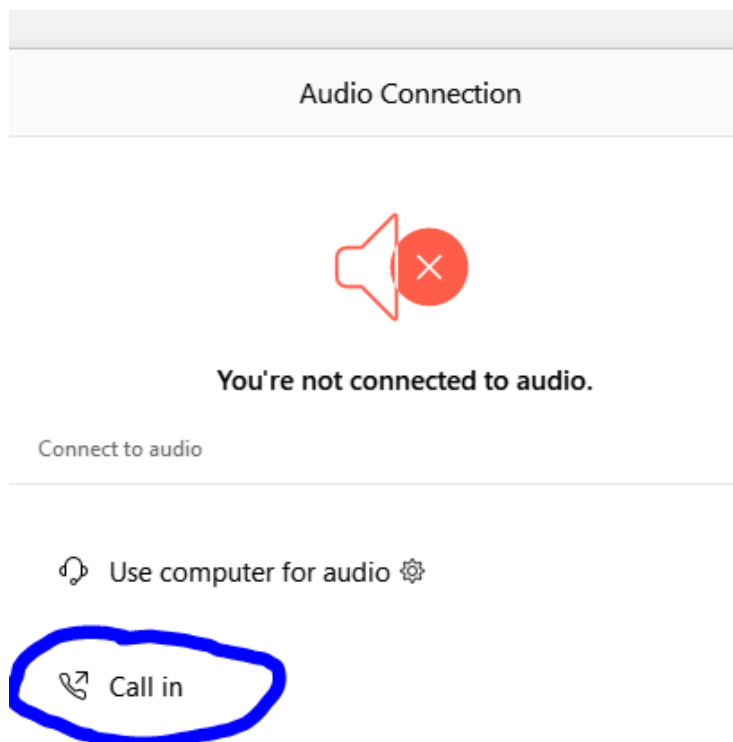
If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

Select 'Communicate' and 'Audio Connection' from top left of your screen.

HOW TO – Join – DCA WebEx Event



The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

HOW TO – Join – DCA WebEx Event Participating During a Public Comment Period

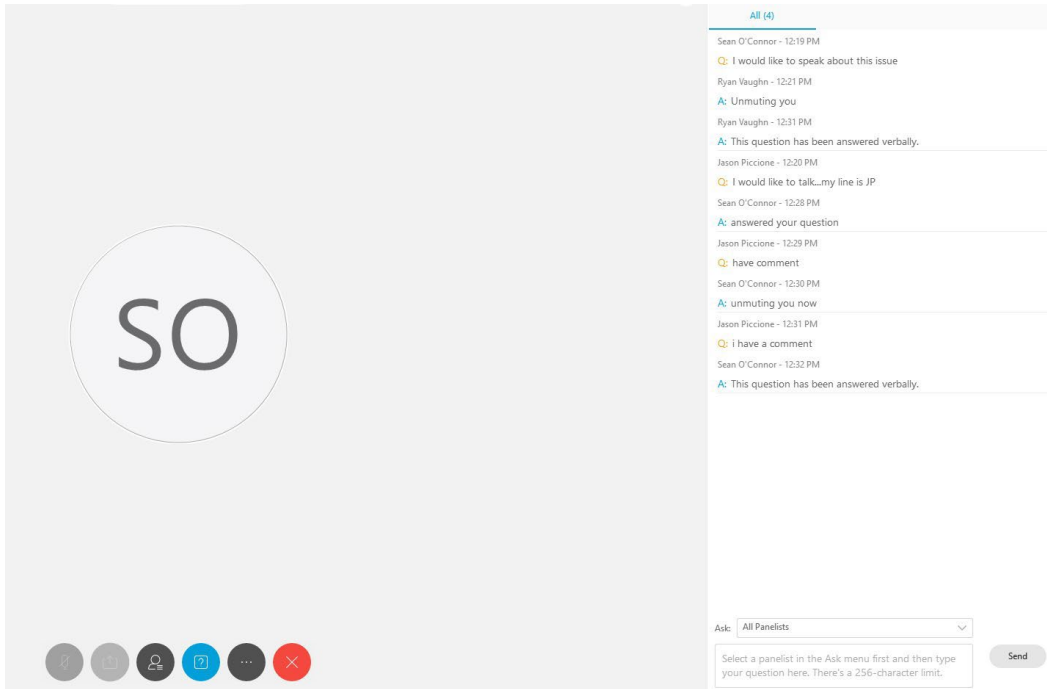
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.



**Agenda Item 2
October 16, 2020**

Approval of April 19, 2019, Meeting Minutes

Purpose of the Item

The Enforcement Committee will review and approve the minutes of the previous Committee Meeting.

Action(s) Requested

The Committee will be asked to make a motion to approve the April 19, 2019, Committee Meeting minutes.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- April 19, 2019 Enforcement Committee Meeting Minutes (Draft)

**Board of Chiropractic Examiners
TELECONFERENCE MEETING MINUTES
Enforcement Committee
April 19, 2019**

Teleconference Meeting Locations:

901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355
(Board Staff)

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

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

Frank Ruffino, Public Member
Board of Chiropractic Examiners
901 P Street, Suite 142A
Sacramento, CA 95814
(916) 263-5355

Committee Members Present

Sergio Azzolino, D.C., Chair
David Paris, D.C.
Frank Ruffino, Public Member

Staff Present

Robert Puleo, Executive Officer
Marcus McCarther, Assistant Executive Officer
Kenneth Swenson, Attorney III
Michael Kanotz, Senior Attorney III
Kristin Walker, Staff Services Manager
Valerie James, Enforcement Analyst

Call to Order

Dr. Azzolino called the meeting to order at 1:42 p.m.

Roll Call

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

Mr. Swenson introduced Mr. Kanotz, Senior Staff Counsel Attorney III, who will be assuming the role of general counsel to the Board. Mr. Kanotz comes to the Department of Consumer Affairs with extensive experience in state service.

Approval of October 10, 2018 Committee Meeting Minutes

MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE OCTOBER 10, 2018 ENFORCEMENT COMMITTEE MEETING.

SECOND: DR. AZZOLINO SECONDED THE MOTION.

Discussion: Dr. Paris stated he would abstain from approving the minutes because he did not participate in the meeting.

VOTE: 2-0-1, (MR. RUFFINO – AYE, DR. PARIS – ABSTAIN, DR. AZZOLINO – AYE) MOTION CARRIED.

Review, Discussion and Possible Action on the Election of Committee Chair

Dr. Azzolino asked if there was background information that needs to be discussed on this topic.

Mr. Swenson clarified the Board Member Administrative Procedure Manual does not specifically govern elections for committee chairs and stated the current chair has discretion on how to proceed. Mr. Swenson recommended calling for a nomination and proceeding with a vote.

Dr. Azzolino called for nominations of Committee Chair.

Mr. Ruffino nominated Dr. Paris.

Dr. Paris accepted the nomination.

Dr. Azzolino seconded the nomination of Dr. Paris and called for the motion to vote.

MOTION: MR. RUFFINO MOVED TO NOMINATE DR. PARIS AS COMMITTEE CHAIR.

SECOND: DR. AZZOLINO SECONDED THE MOTION.

Discussion: There was none.

VOTE: 3-0, (DR. AZZOLINO – AYE, MR. RUFFINO – AYE, DR. PARIS – AYE) MOTION CARRIED.

Review, Discussion and Possible Action Regarding the Expert Witness Program

Ms. Walker provided an update regarding the Board's Expert Witness Program and reminded the Committee that the Board previously approved the revised application for experts. Ms. Walker explained staff sent a sample case to a selection of experts to prepare a sample report with the goal of allowing staff to assess the possibilities for expert witness reports and to update training materials. Ms. Walker shared staff plans to begin the recruitment process for experts to apply or reapply to be an expert witness under the new process.

Dr. Azzolino asked if there were any action items needed at this time.

Ms. Walker replied there was no action needed at this time.

Review, Discussion and Possible Action on the Manner in Which Enforcement Committee Statistical Information is Presented at Board Meetings

Ms. Walker directed the Committee's attention to the four attachments in the meeting materials: 1) Enforcement Statistics Table; 2) Complaints Received Chart; 3) Accusations Filed Chart; and 4) Summary of Monthly Enforcement Actions. Ms. Walker provided an overview of each attachment and asked the Committee to review the statistics and provide feedback on how the Committee would like to see the data presented at Board meetings.

Dr. Azzolino commented that he particularly liked the Complaints Received Chart and asked if failed CE audits were internal complaints.

Mr. Puleo responded that any case opened is considered a complaint, complaints are received from multiple sources, and failed CE audits are internal complaints.

Mr. Azzolino stated the Accusations Filed Chart is a little cumbersome and suggested sorting the data by the number of violations rather than in alphabetical order by code section, because he wants to be able to focus on the code sections with the most violations.

Dr. Paris agreed that the data is helpful and stated it would be interesting to see the data sorted by the number of violations in order to identify the top violations.

Mr. Swenson stated from a legal perspective, this methodology of tracking statistics is consistent with the requirements, but the documents should include the title number as well as the section number for the regulations.

Mr. Puleo asked Mr. Swenson to clarify if it is acceptable to list the title number once as a footnote or at the top of the page.

Mr. Swenson responded the title number could be listed once stating all sections are part of Title 16. The article number is not required.

Mr. Ruffino expressed his satisfaction with the presentation and format of the statistical data.

Mr. McCarther stated Dr. Azzolino had concerns in the past regarding the description of alleged violations not being clear and asked if this information was clear enough.

Dr. Azzolino responded he felt this information was great.

Dr. Paris requested that the code sections also be listed with the description of the violations in the monthly actions reports.

Mr. Puleo agreed to add the code sections to future reports.

Review, Discussion and Possible Action Regarding Chapter 570, Statutes of 2018 (SB 1448 – Probation Status: Disclosure)

Mr. McCarther stated this bill was introduced last year and signed by the Governor, and it requires licensees who are placed on probation on or after July 1, 2019, to disclose their probationary status to their patients verbally and in writing. Mr. McCarther explained staff prepared draft language and draft notices to licensees and patients for the Committee's review.

Dr. Azzolino asked to discuss a concern with the background information stating the disclosure requirement would not apply in situations where, "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."

Mr. McCarther clarified this exemption is already in the law and pertains to emergency situations.

Dr. Paris agreed this provision could be confusing in practices with walk-in structures where patients do not always see a specific chiropractor.

Mr. Puleo asked legal counsel if the Board has the flexibility to specify that chiropractors have to notify the patient of their probationary status unless in an emergency situation.

Mr. Swenson responded the Board has the regulatory authority to further define what is meant by that subdivision; however, being too prescriptive could create difficulties getting it through the regulation approval process because the Board must show necessity, and there may be some unanticipated situations where the Board will want to have flexibility in the interpretation of the provision.

Mr. Swenson suggested not pursuing specific regulatory language that further defines that subdivision at this time.

Mr. McCarther asked legal counsel if requiring licensees to have a notice posted in their office could be considered.

Mr. Swenson responded a posting requirement may be permissible, as long as it does not conflict with the specific provisions of the statute.

Mr. McCarther stated it will be up to the Committee to decide whether to take Mr. Swenson's advice to not to further define that subdivision at this time or, if it is a concern, discuss suggestions to mitigate the risks surrounding the lack of clarity on that topic.

Drs. Azzolino and Paris indicated they are fine with leaving the proposed language as is.

Mr. Puleo stated the Board can amend the regulation later if needed.

Mr. McCarther redirected the Committee's attention to the draft Notice to Licensees and the Patient Notification of Probation Status. Mr. McCarther explained after a licensee is placed on probation, the probation monitor will send the Notice to Licensees informing them of the probation status disclosure requirement and their responsibility to comply with the law. Mr. McCarther explained the Patient Notification of Probation Status form will likely be incorporated by reference into the regulation and used by probationers to obtain their patients' written acknowledgement of their probationary status. Mr. McCarther asked if there were any questions or concerns.

There were no questions or concerns.

MOTION: MR. RUFFINO MOVED FOR THE COMMITTEE TO RECOMMEND TO THE BOARD THAT IT APPROVE THE REGULATORY LANGUAGE AS PROPOSED OR WITH AMENDMENTS, INCLUDING THE PATIENT NOTIFICATION OF PROBATION STATUS FORM INCORPORATED BY REFERENCE, AND COMMENCE THE RULEMAKING PROCESS TO ADD SECTION 308.1 (PROBATION STATUS DISCLOSURE PURSUANT TO PROBATIONARY ORDERS EFFECTIVE JULY 1, 2019) TO THE CALIFORNIA CODE OF REGULATIONS AND TO DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES TO THE PROPOSED LANGUAGE IN THE RULEMAKING FILE.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: There was none.

VOTE: 3-0, (MR. RUFFINO – AYE, DR. AZZOLINO – AYE, DR. PARIS – AYE) MOTION CARRIED.

Review, Discussion and Possible Action Regarding Chapter 995, Statutes of 2018 (AB 2138 – Denial of Application: Revocation or Suspension Licensure: Criminal Conviction)

Mr. McCarther asked the Committee to review and approve the proposed regulatory language to implement the provisions of AB 2138. Mr. McCarther also clarified there have been no major changes since the last time it was presented to the Board.

MOTION: MR. RUFFINO MOVED FOR THE COMMITTEE TO RECOMMEND TO THE BOARD THAT IT APPROVE THE REGULATORY LANGUAGE AS PROPOSED OR WITH AMENDMENTS AND COMMENCE THE RULEMAKING PROCESS TO ADD SECTION 316.5 (SUBSTANTIAL RELATIONSHIP CRITERIA), AMEND SECTION 326 (REHABILITATION CRITERIA FOR DENIALS AND REINSTATEMENTS), AND ADD SECTION 327 (REHABILITATION CRITERIA FOR SUSPENSIONS OR REVOCATIONS) TO THE CALIFORNIA CODE OF REGULATIONS AND TO DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER TO MAKE NON-SUBSTANTIVE CHANGES TO THE PROPOSED LANGUAGE IN THE RULEMAKING FILE.

SECOND: DR. PARIS SECONDED THE MOTION.

Discussion: Mr. Swenson stated these proposed regulations are based on language that was developed by the Department of Consumer Affairs Legal Affairs Division in consultation with the Office of Administrative Law and should go through the approval process without objection.

VOTE: 3-0, (MR. RUFFINO – AYE, DR. PARIS – AYE, DR. AZZOLINO – AYE) MOTION CARRIED.

Public Comment on Items Not on the Agenda

There was none.

Future Agenda Items

There were none.

Adjournment

Dr. Paris adjourned the meeting at 2.25 p.m.



**Agenda Item 3
October 16, 2020**

**Review, Discussion and Possible Action on Proposed Language to Amend
California Code of Regulations, Title 16, Sections 390.4 (Contested Citations)
and 390.5 (Compliance with Citation/Order of Abatement)**

Purpose of the Item

The Enforcement Committee will review and discuss proposed language to amend California Code of Regulations (CCR), title 16, sections 390.4 and 390.5.

Action(s) Requested

The Committee will be asked to discuss the proposed changes to the Board's citation regulations.

Background

Business and Professions Code (BPC) section 125.9 authorizes the Board to establish by regulation a system for the issuance of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the Board for violations of the laws and regulations within the Board's jurisdiction.

The Board's citation system has been established through CCR, title 16, sections 390-390.6. However, the system does not contain the following required provisions:

- If a hearing is not requested, payment of any fine shall not constitute an admission of the violation charged. (BPC section 125.9(b)(4))
- Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine. (BPC section 125.9(b)(5))

Staff is proposing amendments to CCR, title 16, sections 390.4 (Contested Citations) and 390.5 (Compliance with Citation/Order of Abatement) in order to add these required provisions to the Board's citation system.

Additionally, staff is proposing an amendment to CCR, title 16, section 390.4 to change the deadline for requesting an informal conference from 14 days after service of the citation to 30 days of the date of issuance of the citation, for consistency with the deadline for requesting a formal administrative hearing.

Agenda Item 3 – Amend CCR, Title 16, Sections 390.4 and 390.5
October 16, 2020
Page

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Proposed Language to Amend CCR, Title 16, Sections 390.4 and 390.5

Proposed Language to Amend
California Code of Regulations, Title 16, Sections 390.4 and 390.5

§ 390.4. Contested Citations.

(a) The citation shall inform the licensee that if he/she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 calendar days of the date of issuance of the citation. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing provided for in subdivision (a) of this section, the cited person may, within 1430 calendar days ~~after service of the date of issuance~~ of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer or his/her designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited and/or his/her legal counsel or authorized representative.

(d) The Executive Officer or his/her designee may affirm, modify or dismiss the citation, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his/her legal counsel, if any, within 14 calendar days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued.

(e) If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in his/her discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

Note: Authority cited: Sections 125.9, 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.

§ 390.5. Compliance with Citation/Order of Abatement.

(a) Orders of abatement may be extended for good cause. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, the person cited may request an extension of time from the

Executive Officer or his/her designee in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When a citation or order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation within the time allowed ~~or pay the fine that is imposed, if one was,~~ shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(~~ed~~) Failure to timely comply with an order of abatement or pay a fine that is imposed is unprofessional conduct and may result in disciplinary action being taken by the board.

Note: Authority cited: Sections 125.9, 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.



**Agenda Item 4
October 16, 2020**

**Review, Discussion and Possible Action Regarding the
Expert Witness Program**

Purpose of the Item

The Enforcement Manager will provide the Committee with an update on the Board's Expert Witness Program.

Action(s) Requested

No action is requested at this time.

Background

The Committee has worked with staff to enhance the expert witness selection criteria, standards, process, training materials, and application. Staff compiled a sample case and obtained sample reports from three experts, and is using this information to create an expert report template and as a baseline to evaluate the writing samples that will be submitted during the recruitment process.

Additionally, in fall 2019, the Department of Consumer Affairs (DCA) launched an Expert Witness Program (EWP) consisting of representatives from the DCA boards' and bureaus' enforcement programs, including the Board's Enforcement Manager. The purpose of EWP is to develop comprehensive expert witness guidelines, training, and a resource library. EWP was placed on hold in late March 2020 due to COVID-19.

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

N/A



**Agenda Item 5
October 16, 2020**

Review, Discussion and Possible Action Regarding the Top 10 Enforcement Violations

Purpose of the Item

The Enforcement Manager will provide an overview of the most common violations that resulted in citations or disciplinary action by the Board from January 2019 through September 2020.

Action(s) Requested

The Committee will be asked to review and discuss the most common violations.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

- Top 10 Enforcement Violations from January 2019 through September 2020

Top 10 Enforcement Violations (January-September 2020)

Violation	Count	Percentage
CCR 361, 366, and/or 371 – Continuing Education	264	48.4%
CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime	28	5.1%
CCR 317(e) – Unprofessional Conduct: Endanger the Health, Welfare, or Safety of the Public	25	4.6%
CCR 317(k) – Unprofessional Conduct: Act Involving Moral Turpitude, Dishonesty, or Corruption	23	4.2%
CCR 318(a) – Chiropractic Patient Records: Required Content	21	3.9%
CCR 317(h) – Unprofessional Conduct: Conviction of an Offense Involving Moral Turpitude, Dishonesty, Physical Violence, or Corruption	19	3.5%
CCR 317(m) – Unprofessional Conduct: Violation of Act or Board Regulations	16	2.9%
CCR 317 – Unprofessional Conduct	13	2.4%
CCR 317(q) – Unprofessional Conduct: Participation in Fraud or Misrepresentation	13	2.4%
BPC 810 – Insurance Fraud	12	2.2%



**Agenda Item 6
October 16, 2020**

Update on Enforcement Program Statistical Data

Purpose of the Item

The Enforcement Manager will provide the Committee with an update regarding the Enforcement Program's statistical data.

Action(s) Requested

No action is requested at this time.

Background

N/A

Recommendation(s)

N/A

Next Step

N/A

Attachment(s)

1. Enforcement Statistics Tables (as of October 12, 2020)
2. FY 2020/2021 Complaints Received Chart (as of October 12, 2020)
3. FY 2020/2021 Accusations Filed Chart (as of October 12, 2020)

**BOARD OF CHIROPRACTIC EXAMINERS
ENFORCEMENT STATISTICS**

COMPLAINTS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Complaints Received	490	479	641	783	134
Pending Complaints	183	235	613	591	646
Closed: No Violation	75	75	38	115	3
Closed: Insufficient Evidence	79	72	63	76	19
Closed with Merit	184	214	56	65	3
Closed: Letter of Admonishment	4	17	62	279	0

CITATIONS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Citations Issued	26	25	27	110	6
Total Fines Assessed	\$36,900	\$24,650	\$25,200	\$71,850	\$7,500
Total Fines Collected	\$24,750	\$29,646	\$29,104	\$64,820	\$6,410

ACCUSATIONS

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Accusations Filed	35	34	21	15	4
Pending Cases	65	55	38	51	58

DISCIPLINARY CASES CLOSED

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
License Revoked	10	9	13	5	3
Revocation Stayed: Probation	11	15	14	2	1
Rev. Stayed: Susp. / Probation	5	1	0	1	0
Voluntary Surrender of License	14	9	15	5	0
Dismissed/Withdrawn	6	0	2	0	0

STATEMENTS OF ISSUES

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
SOI Filed	1	2	1	0	1
Withdrawn	0	0	1	0	0
Denied	0	0	0	0	0
Granted	0	0	0	0	0
Probationary License Issued	0	0	1	0	0

*As of 10/12/2020

PETITIONS FOR RECONSIDERATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	0	0	1	3	1
Granted	0	0	0	0	1
Denied	0	0	1	3	0

PETITIONS FOR REINSTATEMENT OF LICENSE

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	6	6	3	8	0
Granted	0	0	0	2	0
Denied	3	3	8	5	0

PETITIONS FOR EARLY TERMINATION OF PROBATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	3	2	1	1	0
Granted	0	0	0	0	0
Denied	2	5	1	2	0

PETITIONS FOR MODIFICATION OF PROBATION

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	0	1	0	2	0
Granted	0	1	0	2	0
Denied	0	0	0	0	0

PETITIONS BY BOARD TO REVOKE PROBATION

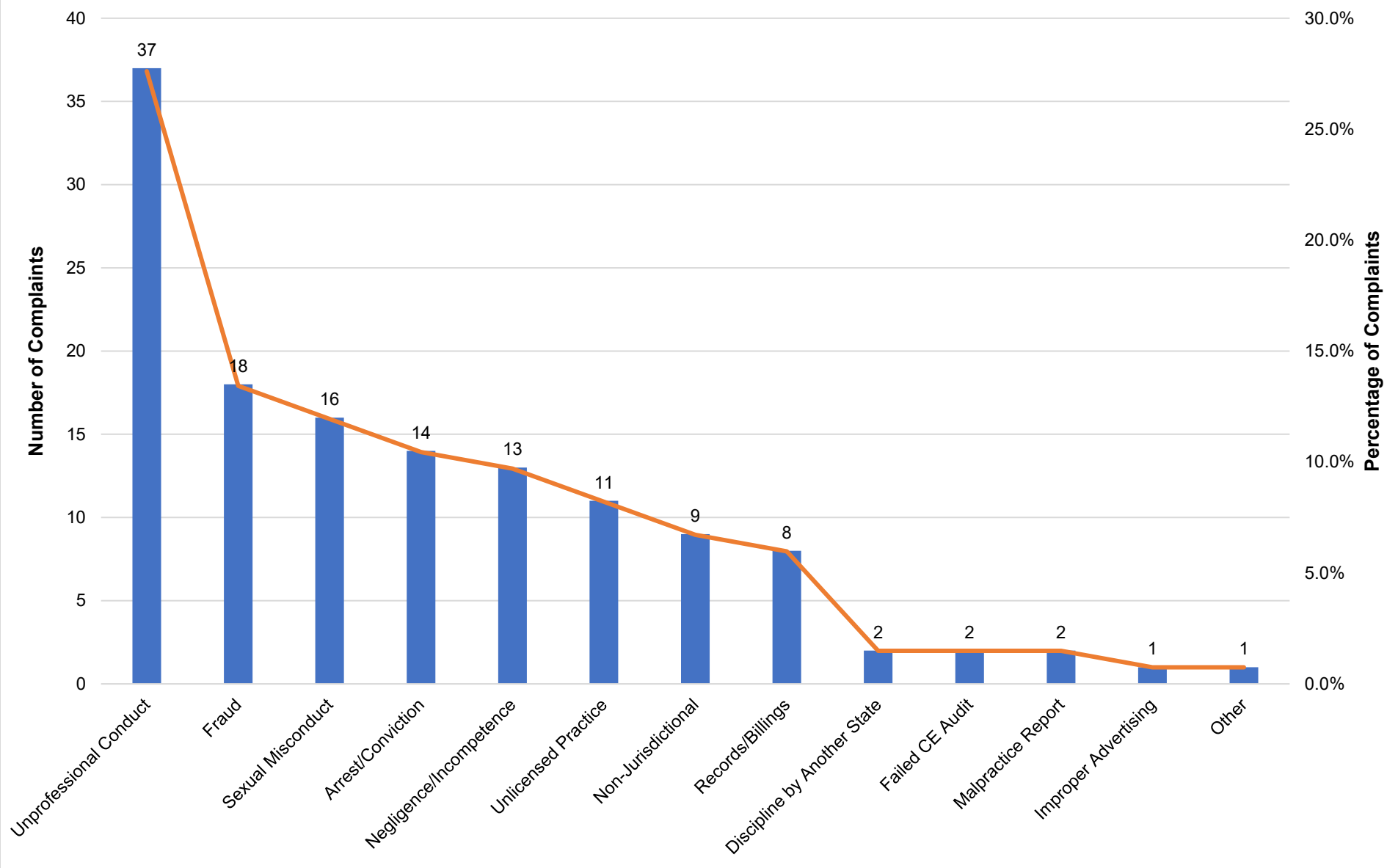
Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Filed	5	6	7	2	1
License Revoked	10	9	4	2	1

PROBATION CASES

Description	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Active Probationers	92	90	80	67	67

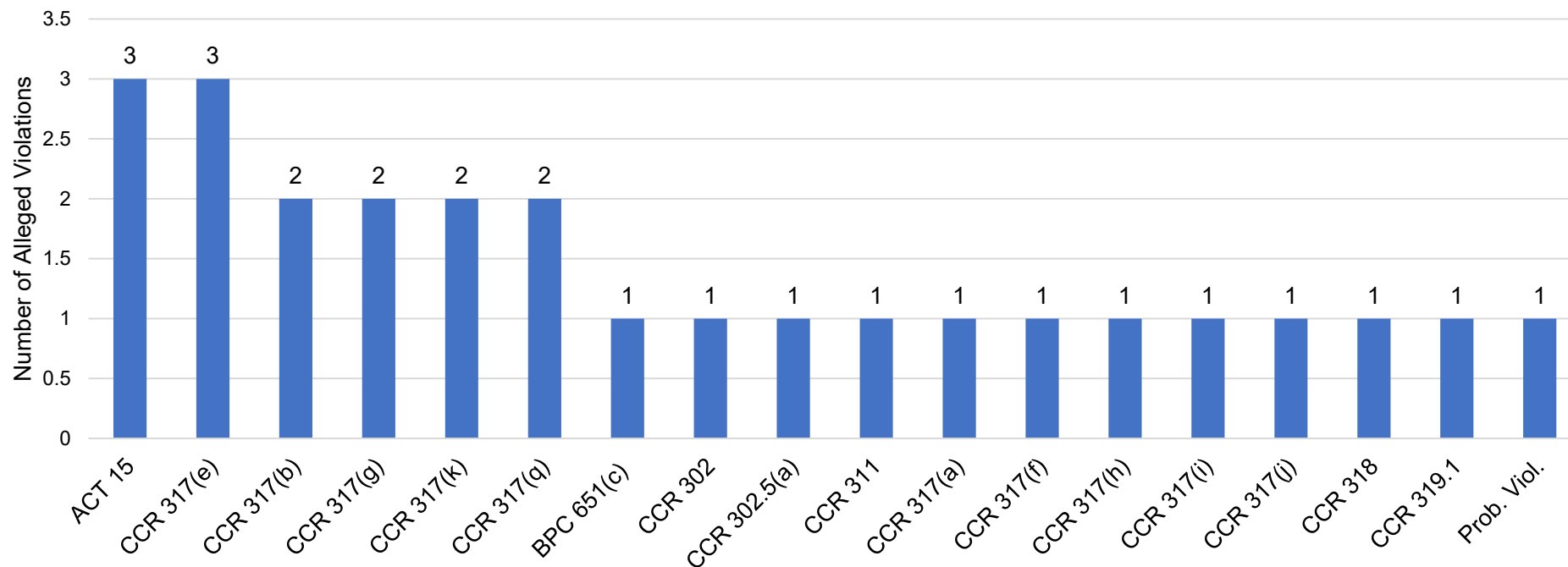
Complaints Received July 1, 2020 - October 12, 2020

(Total Number Received: 134)



Accusations Filed July 1, 2020 - October 12, 2020

Number of Accusations Filed: 4
Total Alleged Violations: 26



Violation Codes/Descriptions

ACT 15 – Noncompliance with and Violations of Act
 BPC 651 – Price Advertising and Discounts
 CCR 302 – Scope of Practice
 CCR 302.5(a) – Use of Unapproved Lasers
 CCR 311 – Advertisements
 CCR 317(a) – Gross Negligence
 CCR 317(b) – Repeated Negligent Acts
 CCR 317(e) – Endangering the Health, Welfare, or Safety of Public
 CCR 317(f) – Dangerous Use of Drugs or Alcoholic Beverages
 CCR 317(g) – Conviction of Substantially Related Crime
 CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.

CCR 317(i) – Conviction of More Than One Misdemeanor or a
 Felony Involving Drugs or Alcoholic Beverages
 CCR 317(j) – Violation of Any Provisions of Law Regulating
 Dispensing or Administration of Narcotics, Dangerous Drugs, or
 Controlled Substances
 CCR 317(k) – Act of Moral Turpitude, Dishonesty, or Corruption
 CCR 317(q) – Participation in Fraud or Misrepresentation
 CCR 318 – Chiropractic Patient Records/Accountable Billing
 CCR 319.1 – Informed Consent
 Prob. Viol. – Failure to Comply with Board’s Probation Program