



## **NOTICE OF TELECONFERENCE BOARD MEETING**

December 16, 2021  
9:00 a.m. to 4 p.m.  
or until completion of business

Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided. To access the Webex event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=ma80414eda349758a28f915728aaf7b7d>

### If joining using the link above

Event number: 2495 370 8908  
Event password: BCE12162021

### If joining by phone

+1-415-655-0001 US Toll  
Access code: 249 537 08908  
Passcode: 22312162

***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 two 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, or e-mailing [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov), or sending a written request to the Board of Chiropractic Examiners, 1625 N. Market Blvd, Ste N-327, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

**The Board may take action on any agenda item.**

## **AGENDA**

- 1. Open Session – Call to Order & Establishment of a Quorum**
  - Dionne McClain, D.C., Chair
  - David Paris, D.C., Vice Chair
  - Janette Cruz, Public Member
  - Laurence Adams, D.C.
  - Pamela Daniels, D.C.
  - Rafael Sweet, Public Member

**2. Hearing Re: Petition for Reinstatement of Revoked License**

- A. Reza Aliakbar Case No. AC 2007-592
- B. Jeffrey Nabatmama Case No. AC 2003-332
- C. Phillip Jung-Wan Kim Case No. AC 2013-949

-----**15 Minute Break**-----

**3. Closed Session**

The Board will meet in Closed Session to:

- A. Deliberate and vote on Disciplinary Matters, including the above Petitions for Reinstatement pursuant to California Government Code Section 11126, subd. (c)(3)
- B. Discuss and possibly take action regarding the preparation, approval, grading, or administration of examinations pursuant to Government Code Section 11126, subd. (c)(1)
- C. Discuss and Possibly take action on the Selection Process and Appointment of an Interim Executive Officer pursuant to Government Code Section 11126, subd. (a)(1)

**4. Reconvene to Open Session**

-----**1 Hour Lunch Break**-----

**5. Chair’s Report**

Update on the Chair’s Activities and Board’s accomplishments and/or goals

**6. Approval of July 16, 2021, Board Meeting Minutes**

**7. Approval of November 22, 2021 Board Meeting Minutes**

**8. Ratification of Approval of License Applications**

**9. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**

**10. Ratification of Approved Continuing Education Providers**

**11. Executive Officer’s Report**

- A. Administration - Board staffing/organizational chart
- B. Budget - Fund condition update
- C. Licensing - Statistical trends
- D. Enforcement - Statistical trends
- E. Information Technology (IT) Update

**12. Update, Review, Discussion and Possible Action on Enforcement Committee December 3, 2021, Meeting Agenda**

The Board may act on any item on the attached Enforcement Committee Meeting agenda.

**13. Review, Discussion and Possible Action Regarding Fee Analysis Report**

**14. Review, Discussion and Possible Action Regarding Sunset Review Report**

-----**15 Minute Break**-----

**15. Update, Discussion and Possible Action on Pending Rulemaking:**

- A. Denial of Application: Revocation or Suspension of Licensure (16 CCR Sections 316.5, 326 and 327)
- B. Revisions to Curriculum Requirements and Approval of Programs (16 CCR Sections 330 through 331.16)
- C. Continuing Education Requirements (CE Provider and Course Approval)/ Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees (16 CCR Section 361 – 366)
- D. Delegation of Authority to the Assistant Executive Officer/Compliance with Citation and Order of Abatement (16 CCR Section CCR sections 306, 389, 390, 390.3, 390.4 and 390.5)
- E. Consumer Protection Enforcement Initiative (CPEI) (16 CCR Sections 303, 304, 306.3, 308, 308.1, 312, 314, 317.3, 321.1, 384.1, 390.7, and 390.8)
- F. Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees (16 CCR Section 384)
- G. Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice on Death/Incapacity of Licensee (16 CCR Section 312.2 and 318)
- H. Amend or Repeal 16 CCR Section 354: Successful Examination (Obsolete provision)

**16. Discussion and Possible Action on the Use of a Satellite Certificate and a Pocket License (16 CCR Section 308)**

**17. Nomination of Board Officers for 2021. The Board will Initiate Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.**

**18. Review, Discussion and Possible Action Regarding the Proposed 2022 Board Meeting Schedule**

**19. Public Comment for Items Not on the Agenda**

*Note: The Board 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.*

**20. Future Agenda Items**

*Note: The Board 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 Section 11125.]*

**21. Adjournment**

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In accordance with Government Code section 11133, no physical location is available for observation and public comment, so please plan to attend the meeting 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](http://www.chiro.ca.gov).

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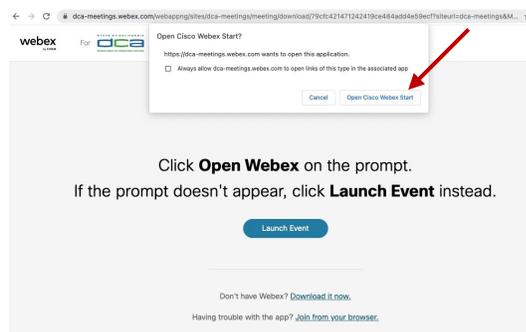
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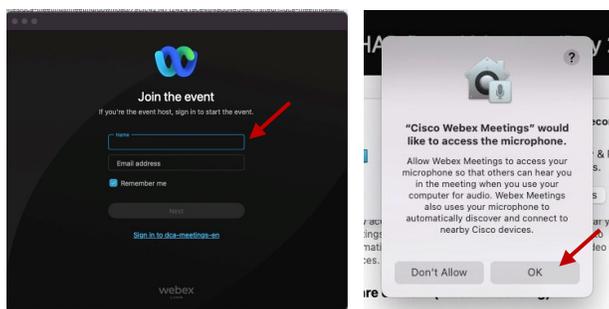
### If joining using the meeting link

1 Click on the meeting link. This can be found in the meeting notice you received.

2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click “Open Cisco Webex Start” or “Open Webex”, whichever option is presented. DO NOT click “Join from your browser”, as you will not be able to participate during the meeting.



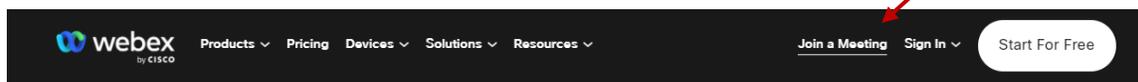
3 Enter your name and email address. Click “Join as a guest”. Accept any request for permission to use your microphone and/or camera.



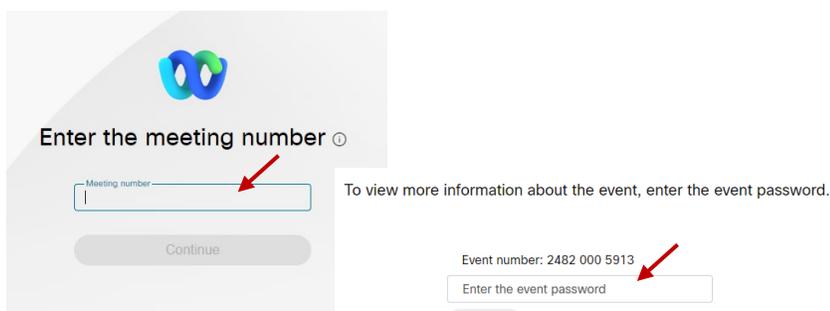
OR

### If joining from Webex.com

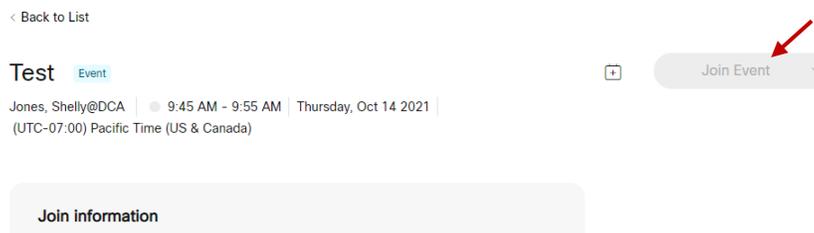
1 Click on “Join a Meeting” at the top of the Webex window.



2 Enter the meeting/event number and click “Continue”. Enter the event password and click “OK”. This can be found in the meeting notice you received.



3 The meeting information will be displayed. Click “Join Event”.



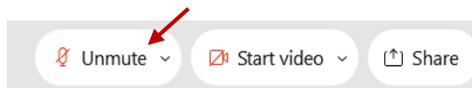
OR

### Connect via telephone:

You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

Microphone control (mute/unmute button) is located on the command row.

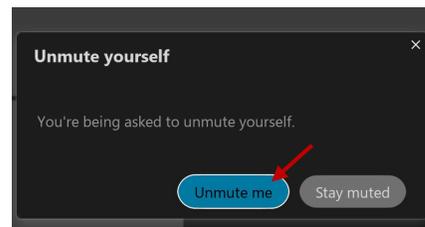


Green microphone = Unmuted: People in the meeting can hear you.



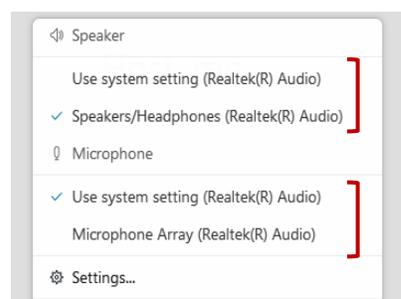
Red microphone = Muted: No one in the meeting can hear you.

*Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on “Unmute Me”.*



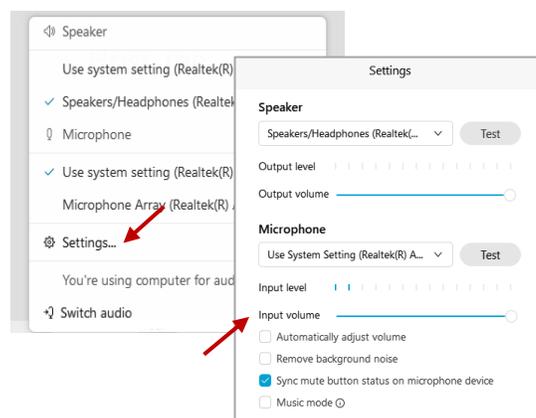
### If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
  - Microphone option if participants can't hear you.
  - Speaker option if you can't hear participants.



### If your microphone volume is too low or too high

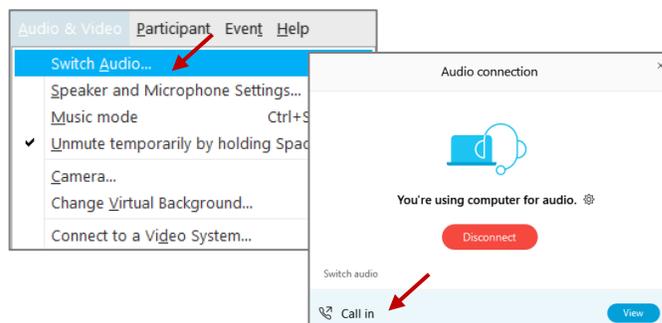
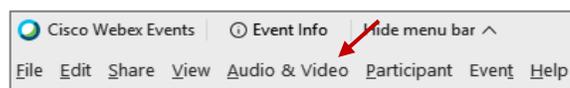
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on “Settings...”:
  - Drag the “Input Volume” located under microphone settings to adjust your volume.



### Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through webex. Your phone will then become your audio source during the meeting.

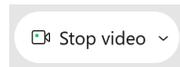
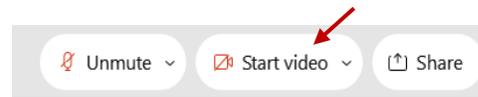
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



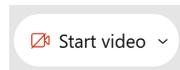
### Web Camera

Only panelists (e.g. staff, board members, presenters) can access the web camera feature.

Camera control (Start Video/Stop Video button) is located on the command row.



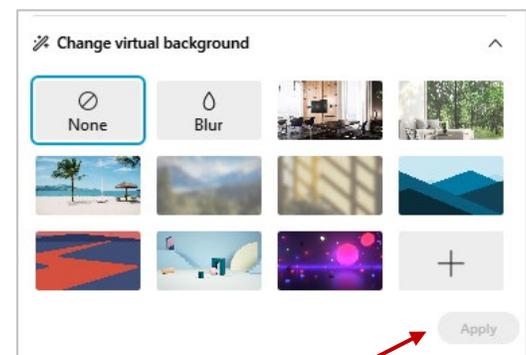
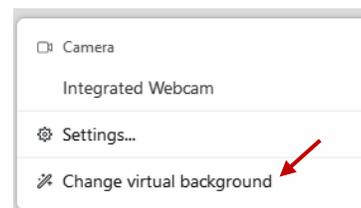
Green dot in camera = Camera is on: People in the meeting can see you.



Red dot in camera = Camera is off: No one in the meeting can see you.

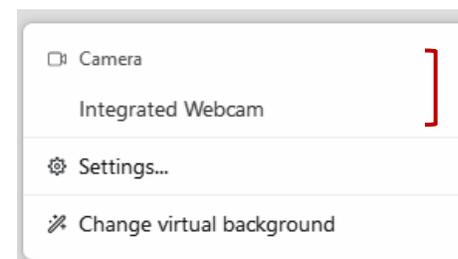
### Virtual Background

- 1 To access virtual backgrounds, click on the bottom facing arrow located on the video button.
- 2 Click on "Change Virtual Background".
- 3 From the pop-up window, click on any of the available images to display that image as your virtual background and click "Apply".



### If you cannot be seen

- 1 Locate the command row – click on the bottom facing arrow located on the video button.
- 2 From the pop-up window, select a different camera from the list.



**Approval of Minutes  
July 16, 2021**

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**Purpose of the item**

The Board will review and approve the Board meeting minutes of a previous Board meeting.

**Action(s) requested**

The Board will be asked to make a motion to approve the July 16, 2021 Board Meeting minutes.

**Background**

N/A

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Meeting minutes from the July 16, 2021 Board meeting.

**BOARD OF CHIROPRACTIC EXAMINERS  
PUBLIC SESSION MINUTES**

July 16, 2021  
Teleconference

**Board Members Present**

Dionne McClain, D.C., Chair  
David Paris, D.C., Vice Chair  
Frank Ruffino, Secretary  
Laurence Adams, D.C.  
Rafael Sweet

**Staff Present**

Robert Puleo, Executive Officer  
Kristin Walker, Assistant Executive Officer  
Jason Hurtado, Attorney  
Connie Bouvia, Enforcement Manager  
Dixie Van Allen, Licensing and Continuing Education Manager  
Amanda Campbell, Enforcement Analyst  
Andreia McMillen, Policy Analyst

**1. Call to Order**

Dr. McClain called the meeting to order at 9:02 a.m.

**Roll Call**

Mr. Ruffino called the roll. All members were present and a quorum was established.

**2. Chair's Report**

Dr. McClain thanked Michael Kanotz for his service to the Board of Chiropractic Examiners since June 2019 and welcomed Jason Hurtado as the Board's new legal counsel.

Dr. McClain updated the public on the new online IT system that Board staff have been implementing. The new IT system and project is often referred to as "BizMod" or "Business Modernization" but has been branded as "Connect." The new update allows the public to file complaints online.

Dr. McClain informed the public that the fee analysis report discussion (Agenda Item #10) will be moved to the next meeting so the report can be finalized. Dr. McClain added that the Board's office is relocating from downtown Sacramento to the

Department of Consumer Affairs' Headquarters. This move will result in operational efficiencies and overall cost savings for the Board.

Dr. McClain and Dr. Paris attended the Federation of Chiropractic Licensing Boards (FCLB) video conference in May. Dr. McClain noted that the FCLB recommends completing regulatory assessments regularly as part of the strategic plan and that ongoing metrics should be used to evaluate the Board's current actions and how they have impacted the types of complaints. Dr. McClain added that a speaker at the conference presented an Australian study which found that chaperones were less effective in the prevention of sexual misconduct than implementing gender restrictions and noted this should be considered.

The National Board of Chiropractic Examiners (NBCE) had a committee meeting in June wherein a significant change to Parts III and IV was discussed. Part III of the exam will now include diagnostic imaging instead of Part IV. NBCE also established an advisory committee to discuss changes to the examination. Dr. McClain and Dr. Adams assisted with the administration of testing at Logan University.

Public Comment: None

### **3. Approval of April 22, 2021 Board Meeting Minutes**

***MOTION: DR. ADAMS MOVED TO APPROVE THE MINUTES OF THE APRIL 22, 2021 BOARD MEETING.***

***SECOND: MR. RUFFINO SECONDED THE MOTION.***

**Discussion:** None.

***VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).***

***MOTION: CARRIED.***

Public Comment: None

### **4. Approval of May 20, 2021 Board Meeting Minutes**

***MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE MAY 20, 2021 BOARD MEETING.***

***SECOND: MR. SWEET SECONDED THE MOTION.***

**Discussion:** None.

***VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).***

**MOTION: CARRIED.**

Public Comment: None

**5. Approval of June 4, 2021 Board Meeting Minutes**

**MOTION: MR. RUFFINO MOVED TO APPROVE THE MINUTES OF THE JUNE 4, 2021 BOARD MEETING.**

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

Discussion: None.

**VOTE: 4-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-ABSTAIN, MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None

**6. Ratification of Approval of License Applications**

**MOTION: MR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS.**

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

Discussion: None

**VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None

**7. Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**

There were none.

**8. Ratification of Approved Continuing Education Providers**

**MOTION: MR. SWEET MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS.**

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

**Discussion:** None.

**VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None

## **9. Executive Officer's Report**

### **A. Administration - Board staffing/organizational chart**

Mr. Puleo notified the Board of the three current vacancies that are likely to be filled within the next month. He stated that the Board office will be moving by the end of the year and the move should be advantageous for the Board as it will be more efficient and cost effective.

### **B. Budget - Fund Condition Update**

Renee Milano, the Budget Manager for the Department of Consumer Affairs, updated the Board on its current fund condition.

Ms. Milano stated that the Board had a beginning balance of 2.4 million dollars in reserves in Fiscal Month 11, an expected revenue amount of 4.5 million and estimated expenditures of about 4.9 million. She stated that she does not have any concerns as the Budget Office and Board management have been discussing options to get the imbalance corrected.

Mr. Puleo added that though the reserve is getting lower, the Board still has time and is working with an independent consultant on a fee analysis in order to realign the fees with the costs of providing those services.

Mr. Ruffino asked if the imbalance will be fixed by a raise in fees or if there were other factors involved that needed to be assessed to prevent future imbalances.

Ms. Milano stated that it is structurally normal for a fund to become imbalanced due to an increase in costs. She added that this year's expenditures were particularly high because of IT related costs.

Mr. Ruffino asked if the move will have an impact on the budget.

Mr. Puleo confirmed that there would be costs associated with the move, but overall it would be cost-effective. Mr. Puleo added that the Board typically underspends the Budget by hundreds of thousands of dollars each year and that the increase in

expenditures is not related to discretionary spending.

#### C. Licensing - Statistical Trends

Ms. Van Allen informed the Board that the licensing statistics remain fairly consistent. She noted that the slight decline in the licensee population trend has continued and the total number of chiropractic licensees has dropped by 196 this year.

#### D. Enforcement - Statistical trends

Ms. Bouvia notified the Board that the enforcement statistics are consistent with past years but added that the overall pending caseload has reduced to 510 cases whereas previous fiscal years the numbers were at 613 and 591. She stated that the number of pending cases at the Attorney General's office remained high at 79, but this is primarily due to the COVID-19 pandemic, the lack of in-person hearings, and recent referrals for disciplinary action.

#### E. Information Technology (IT) Update

Ms. Walker stated that staff are continuing to work with the Department of Consumer Affairs' (DCA) Office of Information Services (OIS) and the vendor on the development and implementation of the new Connect system. The current system includes license applications, license renewals, address changes, submittal of other paper applications, and satellite applications, renewals, and cancellations. The most recent release occurred in mid-June and added enforcement functionality which allowed the public to submit complaints online and gave staff the ability to work through the complaint intake, investigation, and disciplinary process in this system. The next update will include adding CE course and provider applications and expand enforcement functions.

Public Comment: None

### **10. Review, Discussion, and Possible Action Regarding Fee Analysis Report**

This item has been tabled for the next Board meeting which has tentatively been scheduled for September 23, 2021.

### **11. Update, Review, Discussion and Possible Action on Licensing & Continuing Education Committee May 7, 2021 and June 17, 2021 Meeting Agendas**

Dr. McClain updated the Board on the Licensing & Continuing Education (CE) Committee meetings that were held on May 7, 2021 and June 17, 2021.

Dr. McClain informed the Board that the Committee met on May 7, 2021 to review policy and language changes to the CE regulations for California Code of Regulations (CCR),

title 16, sections 360-363. The Committee also reviewed the draft documents created for the CE provider applications and the CE Event application. The Committee continued to discuss potential definition options for the use of 'course' in regulations. The Committee did determine that a CE course fee should be assessed per hour of instruction requested. Dr. McClain reinforced the Committee's hope to receive additional feedback regarding the proposed changes to the regulatory language from chiropractic colleges and CE providers; they have requested this information be submitted to the Committee in writing.

Dr. McClain also discussed the June 17, 2021 Committee meeting. The Committee continued the review of CE regulations, 16 CCR Sections 363.1-366. The Committee considered amending the language of 16 CCR Sections 363.2 and 363.3 to include providers who are licensees. It was ultimately decided to reexamine these sections alongside 16 CCR Sections 362.3 and 362.4 at the next Committee meeting. The Committee decided to reevaluate 16 CCR Sections 360-363 in their entirety given the feedback received from stakeholders and because it would be prudent to discuss adding language to these sections that provides a timeframe and process for CE provider applicants to reapply if denied. The Committee also reviewed the CE Course Evaluation Form and decided to amend the proposed language of 16 CCR Section 366 so that the form is not required to be submitted to the Board until such time that it can be automated. The language of the regulation should still require that a CE course evaluation be provided to attendees and that this should be submitted to the Board upon request.

Public Comment: None.

## **12. Update, Review, Discussion and Possible Action on Government & Public Affairs Committee April 13, 2021 and June 28, 2021 Meeting Agendas**

Ms. McMillen provided an update from the two prior Committee meetings. At the meeting on April 13, 2021, the Committee discussed minor changes to the Board Member Administrative Procedure Manual and the BCE Legislative Bill Tracking Manual.

At the June 28, 2021 meeting, the Committee discussed three bills that have remained active, AB 305, SB 607, and SB 731. The Committee did not take an official position on AB 305 (Maienschein) as it no longer pertains to boards and bureaus under DCA.

Ms. McMillen informed the Board that SB 607 (Roth) would require a board under DCA to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements. The Committee took a neutral position on this bill because the fiscal impact of this bill would be minor.

Dr. Adams asked for further information regarding the impact.

Mr. Puleo stated that the Board receives very little license applications that would meet the requirements of this bill. He estimated that it would be a total loss of approximately \$3,000 each year but the benefits this would provide to U.S. service members and their families outweighs the cost.

**VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None

Ms. McMillen stated that SB 731 (Durazo) would implement a system to prospectively and retroactively seal conviction and arrest records. Specifically, this bill would expand the automatic review and granting of "record relief" to felony arrest records and additional felony convictions, as specified. It also would expand conviction relief by way of petition to all felony convictions. Ms. McMillen noted that this would not apply to serious and violent felony convictions. The Committee took a watch position on this bill.

**VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None

Dr. McClain requested that the Committee add clarification to the Board Member Procedure Manual (manual) to include that communication with all stakeholders and organizations that is done on behalf of the Board should be approved or made with the collaboration of the EO and the Board Chair or Vice Chair.

The Board discussed the merits of including this in the manual.

**MOTION: DR. MCCLAIN MOVED TO DEFER THE DISCUSSION OF ADDING A SECTION ON COMMUNICATION WITH STAKEHOLDERS OR ORGANIZATIONS TO THE BOARD MEMBER PROCEDURE MANUAL.**

**SECOND: MR. RUFFINO SECONDED THE MOTION.**

**Discussion:** None.

**VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).**

**MOTION: CARRIED.**

Public Comment: None.

**MOTION: MR. RUFFINO MOVED TO ACCEPT THE CURRENT RECOMMENDATIONS WITH THE MINOR CHANGES TO THE BOARD MEMBER PROCEDURE MANUAL AS RECOMMENDED BY THE GOVERNMENT & PUBLIC AFFAIRS COMMITTEE.  
SECOND: MR. SWEET SECONDED THE MOTION.**

**Discussion:** None.

**VOTE: 5-0, (DR. MCCLAIN-AYE, DR. PARIS-AYE, MR. RUFFINO-AYE, DR. ADAMS-AYE, MR. SWEET-AYE).  
MOTION: CARRIED.**

Public Comment: None.

### **13. Update, Discussion and Possible Action on Pending Rulemaking**

Ms. McMillen stated that the Board currently has multiple regulatory proposals in various stages of completion. Staff are actively working on changes to the Continuing Education and Curriculum regulations. Legal counsel has informed the Board that the initial review of the Consumer Protection Enforcement Initiative (CPEI) regulation package has been completed. Staff will now make necessary changes and assemble the file for submission to DCA's Executive Office.

Public Comment: None

### **14. Public Comment for Items Not on the Agenda**

Public Comment: None.

### **15. Future Agenda Items**

Mr. Ruffino asked if the Board and staff had considered holding the scheduled September 23, 2021 meeting in person.

Mr. Puleo stated that DCA has encouraged the boards to hold meetings via teleconference and that the September 23, 2021 meeting would be held via teleconference. He noted that there has been discussion of only holding one in person meeting a year to cut down on costs and that DCA is working on the ability to host hybrid meetings from headquarters which would allow Board and stakeholders to participate either in person or virtually.

Public Comment: None.

### **16. Closed Session**

The Board went into Closed Session for deliberation and determinations regarding:

- A. Deliberate on Disciplinary Decisions Pursuant to California Government Code Section 11126(c)(3)
- B. Discuss the Preparation and Administration of Examinations Pursuant to Government Code Section 11126(c)(1)
- C. Confer with or Receive Advice from Legal Counsel Pursuant to Government Code Section 11126(e) Regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162 and *Elizabeth Acosta v. State of California, et al.*, Los Angeles County Superior Court, Case No. 19STCV06136

#### **17. Reconvene Open Session**

The Board returned to Open Session.

#### **18. Adjournment**

Dr. McClain adjourned the meeting at 1:13 p.m.

**(ATTACHMENT A)**

Approval by Ratification of Formerly Approved License Applications  
between April 1, 2021 and June 30, 2021.

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Firouzeh		Harounian	4/8/2021	35049
Tod	Michael	Williams	4/8/2021	35050
Hyungsoo		Kim	4/8/2021	35051
Richard	Louis	Baez	4/8/2021	35052
Paul	Phillip	Thenard	4/8/2021	35053
Andrew	Todd	Messerschmitt	4/8/2021	35054
Richard	Terrance	Montigny	4/8/2021	35055
Kristin	Louise Hamilton	Ochs	4/8/2021	35056
Jodie	Paige	Gibson	4/22/2021	35057
Jonathan	Charles	Hooker	4/22/2021	35058
David	John	Yamamoto	4/22/2021	35059
Angelica		Wroblewski	4/22/2021	35060
Aaron	Jonathan	Gootzeit	5/18/2021	35061
Bronston	Joseph Benham	Kopala	5/18/2021	35062
Ruth	Ann	Sanftner	5/18/2021	35063
Carrie	Ann	Silveira	5/18/2021	35064
Jason Keith	L	Gan	5/18/2021	35065
Danilo	Alves dos Santos	Veloz0	5/18/2021	35066
Rebecca	Hayes	Harris	5/18/2021	35067
Claire	Diane	Reinecke	5/18/2021	35068
Brandon	Nicholas	Gessert	5/19/2021	35069
Rachel	Katherine	Nemy	5/19/2021	35070
Nicholas	P	Saviano	6/1/2021	35071
Andrew	Reid	Veech	6/1/2021	35072
Seohyun		Kwon	6/1/2021	35073
Forrest	Patrick	Granzotto	6/16/2021	35074
Brian	Thomas	Dovorany	6/16/2021	35075
Sintia		Matavoosian	6/16/2021	35076
Jonathan		Houshanian	6/23/2021	35077
Casey	Andrew	Wood	6/30/2021	35078
Abigail	Susan	Mitchell	6/30/2021	35079
Firouzeh		Harounian	4/8/2021	35049
Tod	Michael	Williams	4/8/2021	35050
Hyungsoo		Kim	4/8/2021	35051
Richard	Louis	Baez	4/8/2021	35052

Paul	Phillip	Thenard	4/8/2021	<b>35053</b>
Andrew	Todd	Messerschmitt	4/8/2021	<b>35054</b>
Richard	Terrance	Montigny	4/8/2021	<b>35055</b>
Kristin	Louise Hamilton	Ochs	4/8/2021	<b>35056</b>
Jodie	Paige	Gibson	4/22/2021	<b>35057</b>
Jonathan	Charles	Hooker	4/22/2021	<b>35058</b>
David	John	Yamamoto	4/22/2021	<b>35059</b>
Angelica		Wroblewski	4/22/2021	<b>35060</b>
Aaron	Jonathan	Gootzeit	5/18/2021	<b>35061</b>
Bronston	Joseph Benham	Kopala	5/18/2021	<b>35062</b>
Ruth	Ann	Sanftner	5/18/2021	<b>35063</b>
Carrie	Ann	Silveira	5/18/2021	<b>35064</b>
Jason Keith	L	Gan	5/18/2021	<b>35065</b>
Danilo	Alves dos Santos	Veloz0	5/18/2021	<b>35066</b>
Rebecca	Hayes	Harris	5/18/2021	<b>35067</b>
Claire	Diane	Reinecke	5/18/2021	<b>35068</b>
Brandon	Nicholas	Gessert	5/19/2021	<b>35069</b>
Rachel	Katherine	Nemy	5/19/2021	<b>35070</b>
Nicholas	P	Saviano	6/1/2021	<b>35071</b>
Andrew	Reid	Veech	6/1/2021	<b>35072</b>
Seohyun		Kwon	6/1/2021	<b>35073</b>
Forrest	Patrick	Granzotto	6/16/2021	<b>35074</b>
Michael	Anthony	Velasco	4/1/2021	<b>36070*</b>
Larissa	Anne	Armstrong-Kager	4/1/2021	<b>36071</b>
Jordan		Abbass	4/9/2021	<b>36072</b>
Whitaker	Guenther	Voss	4/9/2021	<b>36073</b>
Arman		Fathi	4/9/2021	<b>36074</b>
Carli		Broadbent	4/9/2021	<b>36075</b>
Allexandra		Walters	4/9/2021	<b>36076</b>
Kirsten	Anastasia	Sparley	4/9/2021	<b>36077</b>
Javier		Munoz-Laguna	4/9/2021	<b>36078</b>
Hayley	Alyssa	Thomas	4/15/2021	<b>36079</b>
Kevin	Edward	Maggs	4/15/2021	<b>36080</b>
Paul	Thomas	Wehrman Jr.	4/15/2021	<b>36081</b>
Julie	E	Kotiw	4/16/2021	<b>36082</b>
Samuel		Newsome	5/5/2021	<b>36083</b>
Whitney	Lynn	Marsh	5/5/2021	<b>36084</b>
Christopher	Alan	Saincome	5/5/2021	<b>36085</b>
Cheyenne	Nichole	McCarthy	5/5/2021	<b>36086</b>
Malcolm	Bernard	Young	5/5/2021	<b>36087</b>
Brett	Michael	Judson	5/5/2021	<b>36088</b>

Stephanie		Harn	5/5/2021	36089
Travis		Byrne	5/5/2021	36090
Kenton		Hauber	5/5/2021	36091
Marisol	Guadalupe	Dominguez	5/5/2021	36092
Scott	G	Duke	5/6/2021	36093
Marium		Garber	5/6/2021	36094
William	Jennings	Faulk	5/6/2021	36095
Diana	Katerina Agnese	Fenstermacher Ritchie	5/11/2021	36096
Nammy		Do	5/11/2021	36097
Richa		Gandhi	5/20/2021	36098
Joseph	Aaron	Khankhanian	5/20/2021	36099
Claudia		Catalan	5/20/2021	36100
Alexia	Michelle	Hampton	5/20/2021	36101
Jimmy	Canosa	Ramil Jr.	5/25/2021	36102
Diljot	Kaur	Viridi	5/25/2021	36103
Chia-Hua		Chan	5/25/2021	36104
Denny		Huang	5/25/2021	36105
Madison		Thompson	5/26/2021	36106
Ashley		Gonzales	5/26/2021	36107
Romeo-Paolo		Perfecto	6/8/2021	36108
Cassidy	Danielle	Bleich	6/8/2021	36109
Margaret	Catherine	Sels	6/8/2021	36110
Anh	Lan	Bui	6/8/2021	36111
Talia	Sophia	Zuniga	6/8/2021	36112
Kyle		Murray	6/8/2021	36113
Ricky		Nguyen	6/8/2021	36114
Samuel		Goldeen	6/24/2021	36115
Lane		O'Dea	6/24/2021	36116
Gurpreet		Toor	6/24/2021	36117
Mercedes		Antonini	6/24/2021	36118
David	Boyd	Wach	6/24/2021	36119
John	David	Madrid	6/24/2021	36120
Evan		Hamilton	6/24/2021	36121
Karla		Garcia Portalatin	6/24/2021	36122
Michael	Anthony	Velasco	4/1/2021	36070
Larissa	Anne	Armstrong-Kager	4/1/2021	36071

**\*DC's starting with 36070 are online applicants that have been issued a license through our new online portal.**

(ATTACHMENT B)

Pending Ratification to Approve New Continuing Education Providers

<p><b>Provider Name:</b> Complete Concussion Management</p> <p><b>CE Oversight Contact Person:</b> Joseph Alejandria</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> Kim Sperry Consulting</p> <p><b>CE Oversight Contact Person:</b> Kim Sperry</p> <p><b>Provider Status:</b> Corporation</p>
<p><b>Provider Name:</b> Northeast College of Health Sciences</p> <p><b>CE Oversight Contact Person:</b> Katrina Andre</p> <p><b>Provider Status:</b> University/College</p>	<p><b>Provider Name:</b> University of California, San Francisco Department of Sports Medicine</p> <p><b>CE Oversight Contact Person:</b> Gina Biviano</p> <p><b>Provider Status:</b> Health Facility</p>

DRAFT

**Agenda Item #7  
December 16, 2021**

**Approval of Minutes  
November 22, 2021**

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**Purpose of the item**

The Board will review and approve the Board meeting minutes of a previous Board meeting.

**Action(s) requested**

The Board will be asked to make a motion to approve the November 22, 2021 Board Meeting minutes.

**Background**

N/A

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Meeting minutes from the November 22, 2021 Board meeting.



## **BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES**

November 22, 2021  
Teleconference

### **Board Members Present**

Dionne McClain, D.C., Chair  
David Paris, D.C., Vice Chair  
Janette Cruz  
Pamela Daniels, D.C.  
Rafael Sweet

### **Board Members Absent**

Laurence Adams, D.C.

### **Staff Present**

Robert Puleo, Executive Officer  
Kristin Walker, Assistant Executive Officer  
Jason Hurtado, Attorney  
Connie Bouvia, Enforcement Manager  
Dixie Van Allen, Licensing and Continuing Education Manager  
Amanda Campbell, Enforcement Analyst

### **1. Call to Order**

Dr. McClain called the meeting to order at 12:10 p.m.

### **Roll Call**

Dr. Paris called the roll. Dr. Adams was absent. All other members were present, and a quorum was established.

### **2. Public Comment for Items Not on the Agenda**

Public Comment: None

### **3. Future Agenda Items**

There were none.

Public Comment: None

#### 4. Executive Officer (EO) Recruitment and Selection Process

A. Presentation from Department of Consumer Affairs (DCA), Office of Human Resources on EO Recruitment and Selection Process

Nicole Le, Chief of the DCA Office of Human Resources (OHR), provided an overview of the EO Recruitment and Selection Process and presented the revised duty statement and recruitment announcement for Board approval. Ms. Le noted OHR staff worked with Mr. Puleo on revisions to the recruitment announcement and duty statement.

B. Discuss and Possible Action on Process for Recruitment and Selection of an EO

Ms. Le explained that the EO recruitment announcement would be posted for 30 days during which time the appointed Search Committee members will be provided candidates' applications for review each Friday and OHR will assist the committee with the search and preliminary interviews. The 3-4 finalists will then be interviewed by the full Board at a public Board meeting.

C. Discuss and Possible Action on Appointment of an EO Search Committee

Ms. Le informed the Board that the Search Committee would consist of two members and requested that these members have sufficient time to dedicate to this process, particularly on Fridays to review applications, and to participate in the preliminary interviews with OHR. She added that these members should also have a good understanding of the Board and the EO position.

Dr. McClain and Dr. Paris expressed their interest in joining the Search Committee.

**MOTION: DR. MCCLAIN MOVED TO APPOINT DR. MCCLAIN AND DR. PARIS TO THE EO SEARCH COMMITTEE.**

**SECOND: MS. CRUZ SECONDED THE MOTION.**

**Discussion:** None.

**VOTE: 5-0, (DR. MCCLAIN-AYE, MS. CRUZ-AYE, DR. DANIELS-AYE, MR. SWEET-AYE, DR. PARIS-AYE).**

**MOTION: CARRIED.**

Public Comment: None

D. Review and Possible Action on Revised EO Duty Statement and Recruitment Announcement

**MOTION: DR. MCCLAIN MOVED TO APPROVE THE REVISED EO DUTY STATEMENT AND RECRUITMENT ANNOUNCEMENT.**

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

**Discussion:** None.

**VOTE: 5-0, (DR. MCCLAIN-AYE, MS. CRUZ-AYE, DR. DANIELS-AYE, MR. SWEET-AYE, DR. PARIS-AYE).**

**MOTION: CARRIED.**

Public Comment: None

## **5. Adjournment**

Dr. McClain adjourned the meeting at 12:39 p.m.

DRAFT



State of California  
Gavin Newsom, Governor

**Agenda Item #8**  
**December 16, 2021**

## **Ratification of Approved License Applications**

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### **Purpose of the item**

The Board will review and ratify the attached list of approved license applications.

### **Action(s) requested**

A motion is needed to ratify the attached list of approved license applications.

### **Background**

Between July 1, 2021 and November 19, 2021, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

### **Recommendation(s)**

Staff requests the Board approve the list of approved license applications.

### **Next Step**

N/A

### **Attachment(s)**

- List of formerly approved license applications issued between July 1, 2021 and November 19, 2021.

<b>Name (First, Middle, Last)</b>			<b>Date Issued</b>	<b>DC#</b>
Mikah	Lyn	Cook	7/15/2021	35080
Jenna	Michelle	Swaffer	7/15/2021	35081
Maria-Magdalena	Nikolaeva	Tchernogorova	7/15/2021	35082
Anthony	Steven	Crifase	7/28/2021	35083
Anne	Nzekellang MBU	Etonga	7/28/2021	35084
Jae	Ho	Roh	7/28/2021	35085
Guillermo	Enrique	Hernandez	7/28/2021	35086
Olivia	Lynette	Andries	8/20/2021	35087
Melissa		Rodriguez	8/20/2021	35088
Ana	L	Jimenez-Ng	8/20/2021	35089
Kevin		Mansour	8/30/2021	35090
Randi	Gayle	Christ	8/30/2021	35091
Ryota		Fujii	9/15/2021	35092
Lyle	Robert	Pipher	9/15/2021	35093
Mark	Edwin	Mccullough	9/15/2021	35094
Binny	Jayesh	Bhakta	9/29/2021	35095
Alexis		Sanchez	10/15/2021	35096
Justin	Tam	Huang	10/15/2021	35097
Austyn	Lynn	Yarbrough	11/2/2021	35098
Andrea	Dee	Gardner	11/2/2021	35099
Yelizaveta		Gyeryen	11/2/2021	35100
Jaclyn	Denise	Quintanilla	11/17/2021	35101
Corinna		Romero-Hernandez	11/17/2021	35102
Thomas	Joseph	Parliament	11/17/2021	35103
Brandon	S	Osborne	11/17/2021	35104
Hannah		Sisson	7/23/2021	36123
Carlos	Horacio	Leyva	7/23/2021	36124
Kamran	P	Mondegari	7/23/2021	36125
Lanny	Craig	Crockett	7/23/2021	36126
Alyssa	Ann	Romero	7/23/2021	36127
Mahsa		Etesam	7/23/2021	36128
John		Bellicitti	7/23/2021	36129
Justin	Ryan	Martinson	7/23/2021	36130
Yang		Zhang	7/23/2021	36131
Sarah	Elizabeth	Uptmor	7/23/2021	36132
Eric	Scott	Smith	7/23/2021	36133
Madeline		Netley	7/23/2021	36134
Casey		Campbell	7/23/2021	36135

BCE Ratification of Approved License Applications

December 16, 2021

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Albert		Rovero	8/11/2021	36136
Domingo		Silva	8/11/2021	36137
Kaitlin	Ellen	Dick	8/11/2021	36138
Riley		Bransteter	8/11/2021	36139
Junsik		Kim	8/11/2021	36140
Jackson		Bates	8/11/2021	36141
Joshua		Adams	8/11/2021	36142
Linh	Le	Smit	8/11/2021	36143
John		Thai	8/11/2021	36144
Antioco		Hidalgo	8/11/2021	36145
Paul	Howard	Hamilton	8/11/2021	36146
Ankur		Tayal	8/11/2021	36147
Navid		Saadati	8/11/2021	36148
Qasim	Ali	Sheikh	8/11/2021	36149
Anurag	Singh	Cheema	8/12/2021	36150
Robert		Renkin	8/12/2021	36151
Lorryn		Johnson	8/12/2021	36152
Blake	Marquis	Kastl	8/16/2021	36153
Brendan		Collins-Bride	8/16/2021	36154
Anthony		Mossuto	8/25/2021	36155
Mikaela		Phillips	8/25/2021	36156
Chamith		Ameresekere	8/26/2021	36157
Jeremy		Wroten	9/1/2021	36158
Riley		Hunt	9/7/2021	36159
Zeina		Abouakl	9/10/2021	36160
Jennifer		Tran	9/10/2021	36161
Alex		Kha	9/15/2021	36162
Jeffery	Michael	Deatherage	9/29/2021	36163
Stanton		Wong	10/11/2021	36164
Gabriellee		Cailing	10/11/2021	36165
Daniel		Rossi	10/11/2021	36166
Marylou		Garcia	10/11/2021	36167
Danielle	Jasmine	Martinez	10/11/2021	36168
Jungtae		Kim	10/11/2021	36169
Roger	Joseph	Casillas	10/11/2021	36170
Austin	Ryan	Martinez	10/12/2021	36171
Jacob	Jesus	Castrejon	10/12/2021	36172
Jeremy		Gopiao	10/25/2021	36173
Micah		Johnsrud	10/25/2021	36174
James		Yu	10/25/2021	36175

Brad	Thomas	Footo	10/25/2021	36176
Richardo	Alonso	Rivas	10/25/2021	36177
Neil	Patrick	De Quant	10/25/2021	36178
Tony		Lam	10/25/2021	36179
Michael	Anthony	Combs	11/9/2021	36180
Angela	Mary	Erdmann	11/9/2021	36181
Alexander	Ito	Greene	11/9/2021	36182
John		Morgenstern	11/9/2021	36183
Nikki	Rose	Nguyen	11/9/2021	36184
Grace		Konstanzer	11/9/2021	36185
Molly		Moreira	11/9/2021	36186
Cheyenne	Summer	Lewis	11/9/2021	36187
Hirsa		Azizi	11/9/2021	36188
Daniel	Brian	Bogert	11/9/2021	36189
David		Frank	11/9/2021	36190
Hommed		Minaei	11/9/2021	36191
Jennifer		Tave	11/10/2021	36192
Lauren	Ashley	Cruz	11/10/2021	36193
Nina	Shuanee	Green	11/15/2021	36194
Ian	Matthew	Antovich	11/17/2021	36195
Sara	Louise	Parsons	11/17/2021	36196
Andrew		Lane	11/18/2021	36197

**\*DC's starting with 36123 are online applicants that have been issued a license through our new online portal.**



State of California  
Gavin Newsom, Governor

**Agenda Item #9  
December 16, 2021**

## **Ratification of Denied License Applications**

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### **Purpose of the item**

The Board will review and ratify denied license applications in which an applicant did not appeal the Board's decision.

### **Action(s) requested**

No action requested at this time.

### **Background**

The Board of Chiropractic Examiners denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. Following a denial of licensure, an applicant has 60-days to appeal the Board's decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

### **Recommendation(s)**

During the period of July 1, 2021 and November 19, 2021, staff has reviewed and confirmed that applicants met all statutory and regulatory requirements for licensure. There were no denials or appeals during this time period.

At this time, no ratification is necessary.

### **Next Step**

N/A

### **Attachment(s)**

N/A

**Agenda Item #10  
December 16, 2021**

**Ratification to Approve Continuing Education Providers**

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**Purpose of the item**

The Board will be asked to review and ratify the new continuing education (CE) providers.

**Action(s) requested**

The Board will be asked to ratify the following new CE providers:

<p><b>Provider Name:</b> American Academy of Motor Vehicle Injuries, Inc.</p> <p><b>CE Oversight Contact Person:</b> Bill Gallagher, D.C.</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> CCEDSeminars</p> <p><b>CE Oversight Contact Person:</b> Monte Horne, D.C.</p> <p><b>Provider Status:</b> Individual</p>
<p><b>Provider Name:</b> DOnline</p> <p><b>CE Oversight Contact Person:</b> Kristin Berkheimer</p> <p><b>Provider Status:</b> Corporation</p>	<p><b>Provider Name:</b> Michael Rintala, D.C.</p> <p><b>CE Oversight Contact Person:</b> Michael Rintala, D.C.</p> <p><b>Provider Status:</b> Corporation</p>
<p><b>Provider Name:</b> Rebecca Sanders, D.C.</p> <p><b>CE Oversight Contact Person:</b> Rebecca Sanders, D.C.</p> <p><b>Provider Status:</b> Corporation</p>	

**Background**

N/A

**Recommendation(s)**

Staff requests the Board approve the new CE provider applicants.

**Next Step**

N/A

**Attachment(s)**

- To maintain compliance with AB 434 (Baker) State Web accessibility: standard and reports, we are no longer able to provide scanned documents on our website. Copies of the CE provider applications can be requested via a Public Records Request, please email [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) for a copy of the CE provider applications.

## **Executive Officer's Report**

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### **Purpose of the item**

The Executive Officer will provide the Board Members with an update on statistics related to Board Administration, Budget, Licensing, Enforcement and IT. Board Members will have the opportunity to ask questions as necessary.

### **Action(s) requested**

No action requested at this time.

### **Background**

#### A. Administration

- The Executive Officer, Robert Puleo, will discuss staffing, including current vacancies, new hires, and pending recruitment efforts. He will also provide an overview of operational changes implemented in response to current state of emergency.

#### B. Budget

- The Executive Officer, Robert Puleo, will provide an overview of the Board's current fund condition status.

#### C. Licensing

- The Executive Officer, Robert Puleo, will provide an overview of the attached licensing program data.

#### D. Enforcement

- The Enforcement Manager, Connie Bouvia, will provide an overview of the attached enforcement program data.

#### E. IT Update

- The Assistant Executive Officer, Kristin Walker, will provide an update on the Board's various information technology projects.

**Recommendation(s)**

N/A

**Next Step**

N/A

**Attachment(s)**

- Organizational Chart
- Current Fund Condition
- Licensing Statistics
- Enforcement Statistics

Department of Consumer Affairs  
**State Board of Chiropractic Examiners**  
 December 2021  
 Organization Chart

**Board Members (7)**

Robert Puleo  
**Executive Officer**  
 620-110-8862-001

**Staff Services Manager II**  
 Kristin Walker  
**Assistant Executive Officer**  
 620-110-4801-001

**Current**  
**Authorized Positions: 19**  
**Blanket Positions: 3**

**Staff Services Manager I**  
 Connie Bouvia (RA)  
**Enforcement Manager**  
 620-110-4800-907

**Staff Services Manager I**  
 Vacant  
**Enforcement Manager**  
 620-110-4800-907

**ENFORCEMENT**

**Enforcement Unit**

Tammi Pitto  
**Associate Governmental Program Analyst**  
 620-110-5393-002

Christina Bell  
**Associate Governmental Program Analyst**  
 620-110-5393-005

Marlene Valencia  
**Associate Governmental Program Analyst**  
 620-110-5393-800

Amanda Campbell  
**Associate Governmental Program Analyst**  
 620-110-5393-001

Valerie James  
**Staff Services Analyst**  
 620-110-5157-009

Vacant  
**Office Technician (Typing)**  
 620-110-1139-XXX

Kelly Siguenza  
**Seasonal Clerk**  
 620-110-1120-907

**FIELD OPERATIONS**

**Field Operations North**

Maria Martinez  
**Special Investigator**  
 620-110-8612-001

Denise Robertson  
**Special Investigator**  
 620-110-8612-002

**Field Operations South**

Yanti Soliman  
**Special Investigator**  
 620-110-8612-003

Executive Officer \_\_\_\_\_

Personnel Office \_\_\_\_\_

**Staff Services Manager I**  
 Dixie Van Allen  
**Admin/Licensing/CE Manager**  
 620-110-4800-008

**ADMIN/LICENSING**

**Policy/Admin**

Andreia McMillen  
**Associate Governmental Program Analyst**  
 620-110-5393-003

**Admin/Licensing**

Vacant  
**Associate Governmental Program Analyst**  
 620-110-5393-801

Linda Brown (RA)  
**Associate Governmental Program Analyst**  
**620-110-5393-907**

Brianna Lauziere  
**Staff Services Analyst**  
 620-110-5157-008

Vacant  
**Office Technician (Typing)**  
 620-110-1139-009

Estralita Jennings  
**Office Technician (Typing)**  
 620-110-1139-010

Trenton Bourdon  
**Seasonal Clerk**  
 620-110-1120-907

**Licensing/Continuing Education**

Syeda As-Salek  
**Staff Services Analyst**  
 620-110-5157-005

**0152 - Board of Chiropractic Examiners**

(Dollars in Thousands)

**2021-22 Budget Act with FY 2020-21 Actual Expenditures and Revenue + Future Expenditure and Revenue Assumptions**

	<b>PY 2020-21</b>	<b>CY 2021-22</b>	<b>BY 2022-23</b>	<b>BY+1 2023-24</b>
<b>BEGINNING BALANCE</b>	\$2,364	\$2,168	\$1,402	\$318
Prior Year Adjustment	-\$86	\$0	\$0	\$0
Adjusted Beginning Balance	\$2,278	\$2,168	\$1,402	\$318
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>				
Revenues				
4121200 - Delinquent fees	\$75	\$58	\$24	\$24
4127400 - Renewal fees	\$4,035	\$3,959	\$3,892	\$3,892
4129200 - Other regulatory fees	\$132	\$85	\$78	\$78
4129400 - Other regulatory licenses and permits	\$401	\$407	\$339	\$339
4163000 - Income from surplus money investments	\$14	\$8	\$2	\$0
4171400 - Escheat of unclaimed checks and warrants	\$1	\$0	\$0	\$0
4172500 - Miscellaneous revenues	\$1	\$1	\$1	\$1
4173500 - Settlements and judgements	\$3	\$0	\$0	\$0
Totals, Revenues	\$4,662	\$4,518	\$4,336	\$4,334
Estimated BAR Loan Repayment (\$1.441 Million Outstanding)	\$0	-\$250	-\$250	-\$250
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	<b>\$4,662</b>	<b>\$4,268</b>	<b>\$4,086</b>	<b>\$4,084</b>
<b>TOTAL RESOURCES</b>	<b>\$6,940</b>	<b>\$6,436</b>	<b>\$5,488</b>	<b>\$4,402</b>
<b>EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	<b>PY 2020-21</b>	<b>CY 2021-22</b>	<b>BY 2022-23</b>	<b>BY+1 2023-24</b>
Expenditures:				
1111 Program Expenditures (State Operations) (Net Expenditures)	\$4,453	\$4,522	\$4,658	\$4,797
Estimated General Salary and Benefit Increases	\$0	\$130	\$130	\$130
Estimated Ongoing Expenditure Reduction	\$0	-\$16	-\$16	-\$16
9892 Supplemental Pension Payments (State Operations)	\$85	\$85	\$85	\$85
9900 Statewide Pro Rata	\$234	\$297	\$297	\$297
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	<b>\$4,772</b>	<b>\$5,034</b>	<b>\$5,170</b>	<b>\$5,309</b>
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$2,168	\$1,402	\$318	-\$907
Months in Reserve	5.2	3.3	0.7	-2.1

**NOTES:**

Assumes workload and revenue projections and estimated expenditures are realized in the CY and ongoing. Expenditure growth projected at 3% beginning BY.

**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSING TRENDS  
FY 2021-22**

**New Chiropractic Licenses Issued**

Month	Received	Issued
July	23	24
August	22	27
September	36	10
October	24	18
November	15	25
December		
January		
February		
March		
April		
May		
June		

**Total Population of Clear Chiropractic Licenses**

Month	Total Licenses
July	12,568
August	12,527
September	12,497
October	12,481
November	12,456
December	
January	
February	
March	
April	
May	
June	

**Number of Restored Cancelled Licenses**

Month	Received	Issued
July	3	3
August	2	3
September	1	2
October	5	4
November	1	3
December		
January		
February		
March		
April		
May		
June		

**New Satellite Office Certificates Issued**

Month	Received	Issued
July	119	109
August	146	129
September	82	57
October	83	116
November	58	81
December		
January		
February		
March		
April		
May		
June		

**Corporation Registrations Issued**

Month	Received	Issued
July	11	4
August	11	10
September	14	11
October	8	9
November	7	9
December		
January		
February		
March		
April		
May		
June		

**Licensing Population as of November 30, 2021**

License Type	Clear Licenses
Doctor of Chiropractic	12,456
Satellite Offices	4,304
Corporations	1,401
Referral Services	31

**Applications Received and Processed – July 1, 2021 through November 30, 2021**

<b>Application Type</b>	<b>Received</b>	<b>Issued</b>	<b>Denied</b>	<b>Pending</b>
Initial Chiropractic	120	104	0	89
Reciprocal	5	4	0	1
Restorations (Cancelled & Forfeiture)	71	74	0	19
Corporation	51	43	0	11

**BOARD OF CHIROPRACTIC EXAMINERS  
ENFORCEMENT STATISTICS**

**COMPLAINTS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Complaints Received	479	642	785	474	193
Pending Complaints	235	592	594	511	397
Closed: No Violation	75	38	115	36	22
Closed: Insufficient Evidence	72	63	76	106	102
Closed with Merit	214	56	65	45	15
Closed: Letter of Admonishment	17	62	279	6	9

**CITATIONS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Citations Issued	25	28	111	34	13
Total Fines Assessed	\$24,650	\$25,200	\$71,850	\$48,250	\$17,500
Total Fines Collected	\$29,646	\$29,104	\$64,820	\$35,635	\$15,763

**ACCUSATIONS**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Accusations Filed	34	23	19	28	23
Pending Cases	55	47	59	97	118

**DISCIPLINARY CASES CLOSED**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
License Revoked	9	13	4	4	4
Revocation Stayed: Probation	15	14	2	8	5
Rev. Stayed: Susp. / Probation	1	0	1	1	0
Voluntary Surrender of License	9	15	5	5	7
Dismissed/Withdrawn	0	2	0	1	0

**STATEMENTS OF ISSUES**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
SOI Filed	2	1	0	2	0
Withdrawn	0	2	0	1	0
Denied	0	1	1	1	0
Granted	0	0	0	0	0
Probationary License Issued	0	1	0	0	0

**PETITIONS FOR RECONSIDERATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	0	1	3	0	1
Granted	0	0	0	0	0
Denied	0	1	3	0	1

**PETITIONS FOR REINSTATEMENT OF LICENSE**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	6	3	8	5	3
Granted	0	0	2	0	1
Denied	3	8	5	1	3

**PETITIONS FOR EARLY TERMINATION OF PROBATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	2	1	1	1	2
Granted	0	0	0	0	0
Denied	5	1	2	1	1

**PETITIONS FOR MODIFICATION OF PROBATION**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	1	0	2	1	0
Granted	1	0	2	1	0
Denied	0	0	0	0	1

**PETITIONS BY BOARD TO REVOKE PROBATION**

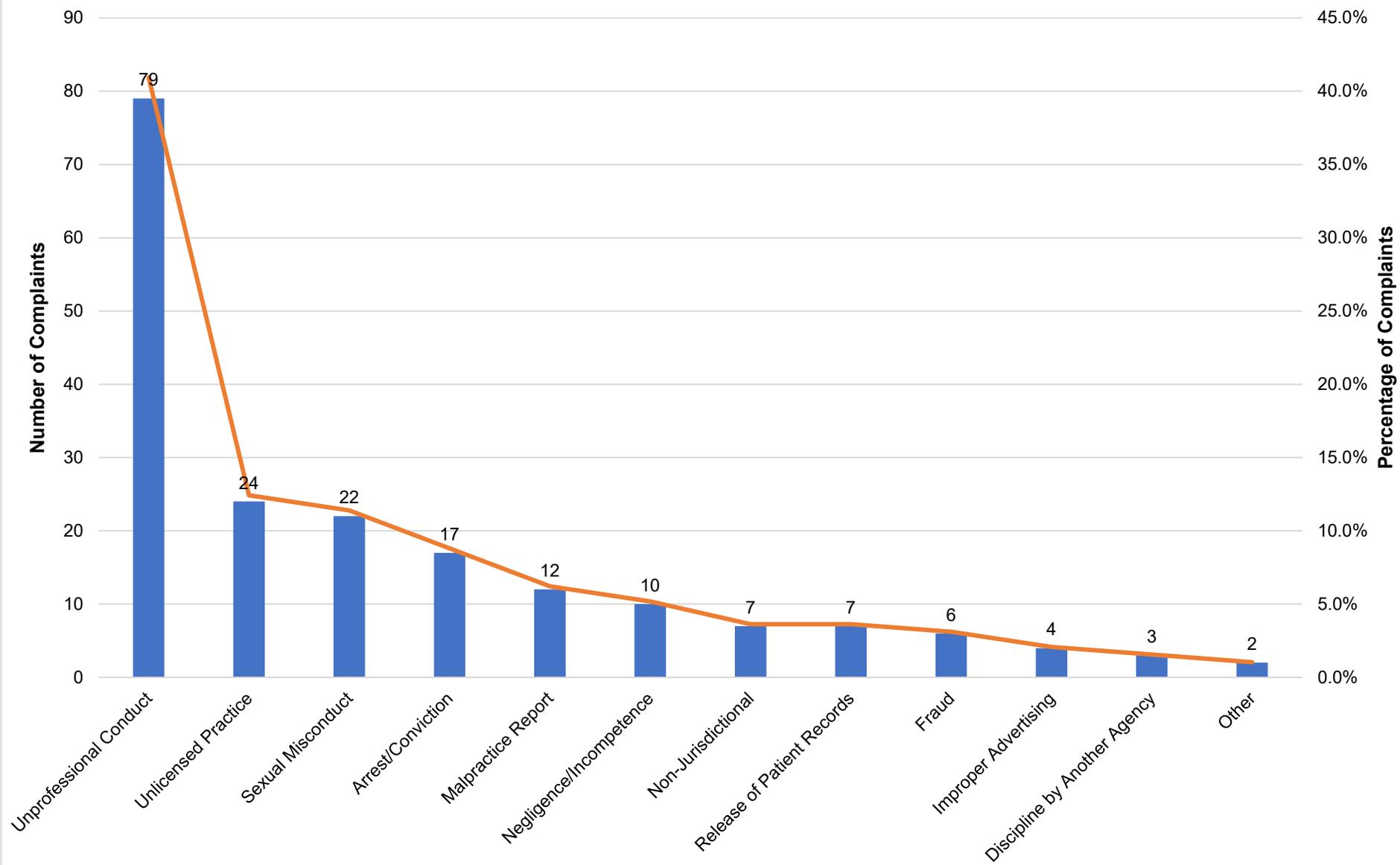
Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Filed	6	7	2	1	0
License Revoked	9	4	2	1	0

**PROBATION CASES**

Description	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22*
Active Probationers	90	80	67	61	62

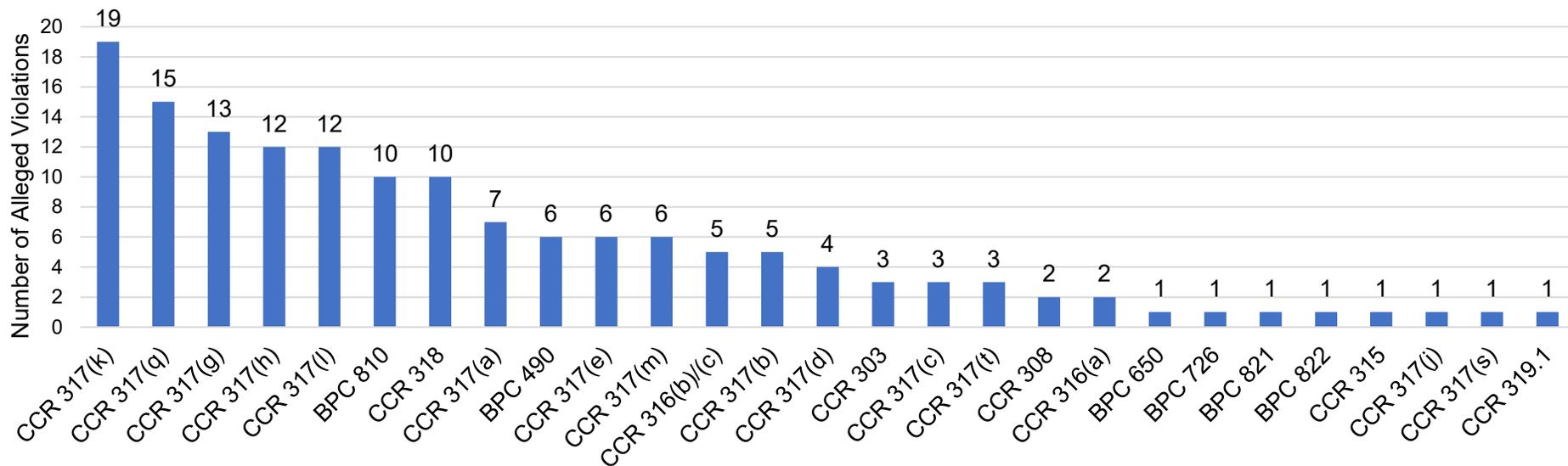
### Complaints Received July 1, 2021 - November 30, 2021

(Total Number Received: 193)



### Accusations Filed July 1, 2021 - November 30, 2021

Number of Accusations Filed: 23  
Total Alleged Violations: 151



#### Violation Codes/Descriptions

BPC 490 – Conviction of a Substantially Related Crime  
 BPC 650 – Unlawful Referral of Patients  
 BPC 726 – Sexual Misconduct  
 BPC 810 – Insurance Fraud  
 BPC 821 – Failure to Comply with Examination Order  
 BPC 822 – Impairment Due to Mental or Physical Illness  
 CCR 303 – Filing of Addresses  
 CCR 308 – Display of License  
 CCR 315 – Mental Illness That Affects Ability to Practice  
 CCR 316(a) – Responsibility for Conduct on Premises  
 CCR 316(b)/(c) – Sexual Misconduct  
 CCR 317 – Unprofessional Conduct  
 CCR 317(a) – Gross Negligence  
 CCR 317(b) – Repeated Negligent Acts  
 CCR 317(c) – Incompetence

CCR 317(d) – Excessive Treatment  
 CCR 317(e) – Endangering the Health, Welfare, or Safety of Public  
 CCR 317(g) – Conviction of Substantially Related Crime  
 CCR 317(h) – Conviction Involving Moral Turpitude, Dishonesty, Etc.  
 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(l) – False Representation  
 CCR 317(m) – Violation of Act or Board Regulations  
 CCR 317(q) – Participation in Fraud or Misrepresentation  
 CCR 317(s) – Employment or Use of Cappers or Steerers  
 CCR 317(t) – Compensation or Inducement for Referring Patients  
 CCR 318 – Chiropractic Patient Records/Accountable Billings  
 CCR 319.1 – Informed Consent



## JULY 2021 ENFORCEMENT ACTIONS

### ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Kancilia, Dirk H.</b> Henderson, NV	DC 16440	7/1/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) and (h) – Unprofessional Conduct: Conviction of a Substantially Related Crime and Involving Moral Turpitude and Corruption (Conspiracy to Commit Honest Services Mail Fraud; Healthcare Fraud)</li> <li>• CCR 317(k) and (q) – Unprofessional Conduct: Fraudulent Acts</li> <li>• BPC 810 – Insurance Fraud</li> </ul>
<b>Acs, Nahid Haji</b> Los Angeles, CA	DC 26946	7/12/2021	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Participating in Patient Referral Rebates)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> <li>• CCR 317(t) – Unprofessional Conduct: Participation in Referring Patients</li> </ul>
<b>Cohen, Robert Bernard</b> Oceanside, CA	DC 27662	7/15/2021	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Conspiracy)</li> <li>• CCR 317(h) and (k) – Unprofessional Conduct: Conviction of Offenses/Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud</li> </ul>

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Dyer, Michael Adam</b> Los Angeles, CA	DC 30829	7/19/2021	<ul style="list-style-type: none"> <li>• BPC 810(a) and (b) – Insurance Fraud</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowing Preparation of a Document Containing a Falsehood</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of a Dishonest Act</li> <li>• CCR 318(a) – Failure to Produce Chiropractic Patient Records</li> <li>• CCR 318(b) – Failure to Maintain Accountable Billings</li> </ul>
<b>Hines, Darren Norman</b> Lomita, CA	DC 28334	7/27/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Aiding and Abetting Health Care Fraud)</li> <li>• BPC 810 – Insurance Fraud</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Felony Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowingly Making False Statement of Fact</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> </ul>
<b>Arons, Scott Steven</b> Red Bluff, CA	DC 25303	7/28/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(d) – Unprofessional Conduct: Administration of Excessive Treatment</li> <li>• CCR 317(e) – Unprofessional Conduct: Endangering the Health, Safety, or Welfare</li> <li>• CCR 317(k) – Unprofessional Conduct: Engaging in Acts Involving Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Making or Signing Any Document That Falsely Represents the Existence or Nonexistence of a State of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Engaging in Fraud or Misrepresentation</li> <li>• CCR 318(a) and BPC 810 – Improper Billings</li> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Act and/or Regulations</li> </ul>

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Braun, Richard Paul, III</b> West Hollywood, CA	DC 33684	7/29/2021	<ul style="list-style-type: none"> <li>• CCR 317(k) – Unprofessional Conduct: Dishonest Acts</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Act of Fraud or Misrepresentation</li> <li>• CCR 318(b) – Failure to Maintain Accountable/Accurate Billings</li> <li>• CCR 303, 308, and 317(m) – Failure to Obtain Satellite Office Certificate</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Khumoro, Sam Putres</b> Wasco, CA	DC 25727	Stipulated Surrender of License	7/9/2021	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Sexual Battery)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Acts of Moral Turpitude</li> <li>• CCR 316(c) – Unprofessional Conduct: Sexual Misconduct</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud</li> </ul>
<b>Aschenberg, Julius Jay</b> Fountain Valley, CA	DC 22275	Revocation Stayed, 3 Years' Probation	7/18/2021	<ul style="list-style-type: none"> <li>• CCR 316(b) and (c) – Unprofessional Conduct: Sexual Misconduct</li> </ul>
<b>Cavanaugh, Wesley</b> Lorain, OH	DC 33740	Stipulated Surrender of License	7/23/2021	<ul style="list-style-type: none"> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(e) – Unprofessional Conduct: Likely to Endanger the Health, Welfare, or Safety of the Public</li> </ul>

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Yadidi, Mahyar David</b> Los Angeles, CA	DC 31908	Stipulated Surrender of License	7/23/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Conspiracy to Commit Health Care Fraud)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Felony Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) and 318(b) – Unprofessional Conduct: Knowingly Making or Signing Any Certificate or Other Document Relating to the Practice of Chiropractic</li> <li>• CCR 317(q) and BPC 810(a) and (b) – Unprofessional Conduct: Acts Involving Fraud or Misrepresentation</li> </ul>
<b>Blanchard, Sophie</b> Alameda, CA	DC 24288	Revocation Stayed, 3 Years' Probation	7/30/2021	<ul style="list-style-type: none"> <li>• CCR 303 – Failure to File Address</li> <li>• CCR 308(b) – Failure to Display License</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 318(a) – Failure to Maintain Patient Records</li> <li>• CCR 318(b) – Failure to Ensure Accurate Billings</li> <li>• CCR 316(c) – Sexual Relations with a Patient</li> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> </ul>

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Salazar, Benigno Antonio</b> Rialto, CA	DC 20380	Stipulated Surrender of License	7/30/2021	<ul style="list-style-type: none"> <li>• BPC 726 and CCR 316(c) – Unprofessional Conduct: Sexual Misconduct</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct That Endangers or Is Likely to Endanger the Public</li> <li>• CCR 319.1 – Failure to Provide Informed Consent</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude/Dishonesty</li> <li>• CCR 317(m) – Unprofessional Conduct: Violating Any Provisions of the Act/Regulations</li> <li>• CCR 318 – Failure to Maintain Complete Chiropractic Patient Records</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Kennedy, Robert Mark</b> Laguna Niguel, CA	DC 18477	\$500.00	7/1/2021	<ul style="list-style-type: none"> <li>• CCR 303 – Filing of Addresses</li> <li>• CCR 308(b) and (c) – Display of License</li> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations</li> </ul>
<b>Alexanian, Souren</b> Los Angeles, CA	DC 33308	\$1,000	7/2/2021	<ul style="list-style-type: none"> <li>• CCR 303 – Filing of Addresses</li> <li>• CCR 308(b) and (c) – Display of License</li> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations</li> <li>• CCR 318(b) – Failure to Ensure Accurate Billings</li> </ul>
<b>Bradshaw, Andrea J.</b> Marina Del Rey, CA	DC 24091 (Surrendered 10/8/2015)	\$5,000	7/3/2021	<ul style="list-style-type: none"> <li>• CCR 312.1 – Ownership of a Chiropractic Practice</li> </ul>

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Bragg, Todd M.</b> San Jose, CA	DC 24944	\$1,500	7/3/2021	<ul style="list-style-type: none"> <li>• CCR 316(a) – Responsibility for Conduct on Premises</li> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Practicing, Offering to Practice and Advertising a Business, Trade, Profession or Occupation Without a License, Registration or Certificate)</li> </ul>
<b>Yoon, John J.</b> Gardena, CA	DC 22216	\$500	7/4/2021	<ul style="list-style-type: none"> <li>• CCR 317(e) – Unprofessional Conduct: Endangering the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol</li> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Driving with a 0.08% Blood Alcohol Content)</li> </ul>
<b>Githler, Frederick</b> Oakland, CA	DC 23818	\$1,500	7/22/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(m) – Unprofessional Conduct: Violation of Board Regulations</li> <li>• CCR 318(a)(2), (3), (4), and (7) – Chiropractic Patient Records: Required Content</li> <li>• CCR 319.1 – Informed Consent</li> </ul>
<b>Jays, Heidi</b> Santa Ana, CA	DC 32610	\$1,000	7/30/2021	<ul style="list-style-type: none"> <li>• CCR 302(a)(3) – Scope of Practice</li> <li>• CCR 303 – Failure to File Practice Addresses with the Board</li> <li>• CCR 308(b) – Failure to Obtain Satellite Certificates for Additional Places of Practice</li> <li>• CCR 311 – Advertising Containing Misstatements and/or Misrepresentations</li> <li>• CCR 317(m) – Unprofessional Conduct: Violations of Board Regulations</li> </ul>

**PETITIONS FOR REINSTATEMENT OF LICENSE**

*No Data to Report*

**PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION**

*No Data to Report*

**STATEMENT OF ISSUES**

*No Data to Report*



## AUGUST 2021 ENFORCEMENT ACTIONS

### ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Forrest, Alan</b> Tarzana, CA	DC 14038	8/10/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 316(c) and BPC 726(a) – Unprofessional Conduct: Sexual Relations with a Patient</li> <li>• CCR 318(a)(2) and (3) – Deficient Patient Records</li> </ul>
<b>Kowalczyk, Keith A.</b> Los Angeles, CA	DC 34122	8/10/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Treatment</li> <li>• CCR 317(k) – Unprofessional Conduct: Dishonest Acts</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Act of Fraud or Misrepresentation</li> <li>• CCR 318(b) – Failure to Maintain Accountable/Accurate Billings</li> <li>• CCR 316 – Conduct of Other Persons Under Supervision</li> <li>• CCR 303, 308, and 317(m) – Failure to Obtain Satellite Office Certificate</li> </ul>
<b>Jette, Steven Allen</b> Petaluma, CA	DC 16430	8/17/2021	<ul style="list-style-type: none"> <li>• CCR 316(c) and 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Sexual Battery)</li> <li>• CCR 316(b) – Sexual Activity in Chiropractic Facility</li> <li>• CCR 316(c) – Unprofessional Conduct: Sexual Abuse of Patient</li> <li>• CCR 317(e) – Unprofessional Conduct: Endangering the Public</li> <li>• CCR 317(h) – Unprofessional Conduct: Crime of Moral Turpitude</li> <li>• CCR 317(k) – Unprofessional Conduct: Act of Moral Turpitude</li> </ul>

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Candelario, Joserodel Zavala</b> Bonita, CA	DC 28449	8/26/2021	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Conspiracy, Conspiracy to Commit Health Care Fraud, False Statement on a Tax Return, and Insurance Fraud)</li> <li>• CCR 317(h) and (k) – Unprofessional Conduct: Conviction of Offenses/Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation of Facts</li> <li>• BPC 650 and 810 and CCR 317(q), (s), and (t) – Unprofessional Conduct: Fraud, Use of Cappers, and Illegal Rebates</li> </ul>
<b>Park, Jae Ho</b> Irvine, CA	DC 26114	8/27/2021	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Participating in Patient Referral Rebates)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> <li>• CCR 317(t) – Unprofessional Conduct: Participation in Referring Patients</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Fiorentino, Christopher John</b> Anaheim, CA	DC 28481	Revoked	8/1/2021	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Possession of Controlled Substance Paraphernalia; Possession of Controlled Substances; Driving on Suspended/Revoked License; and Possession of Shopping or Laundry Carts)</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Drugs</li> <li>• CCR 317(h) and (k) – Unprofessional Conduct: Convictions and Acts Involving Moral Turpitude</li> <li>• CCR 317(e) – Unprofessional Conduct: Public Endangerment</li> <li>• CCR 317(i) – Unprofessional Conduct: Multiple Convictions</li> </ul>
<b>Parker, John</b> San Marcos, CA	DC 33671	Revoked	8/6/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetent Acts</li> <li>• CCR 317(m) and 318(a) – Unprofessional Conduct: Failure to Record Required Patient Information and Diagnoses</li> <li>• CCR 316(c) – Unprofessional Conduct: Acts of Sexual Misconduct</li> </ul>
<b>Krimmel, Wayne Aaron</b> San Diego, CA	DC 24735	Stipulated Surrender of License	8/15/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Battery)</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Which Has Endangered or is Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Misdemeanor Crime Involving Physical Violence</li> </ul>

ACT: Chiropractic Initiative Act  
 BPC: Business and Professions Code  
 CCR: California Code of Regulations, Title 16  
 H&S: Health and Safety Code

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Mojabe, Mohammed R.</b> Rancho Cucamonga, CA	DC 21064	Revocation Stayed, 5 Years' Probation	8/15/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Endangering the Public</li> <li>• CCR 318(a)(7) and 319.1 – Lack of Informed Consent</li> <li>• CCR 311 – False or Misleading Advertising</li> <li>• CCR 302 – Exceeding the Scope of Practice</li> <li>• ACT 15 – Failure to Identify Nature of Practice</li> <li>• CCR 316 – Failure to Supervise at Place of Practice</li> </ul>
<b>Barr, Walter Kenton</b> Ukiah, CA	DC 27198	Revocation Stayed, 5 Years' Probation	8/19/2021	<ul style="list-style-type: none"> <li>• BPC 490 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Driving Under the Influence of Alcohol)</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Likely to Endanger the Public</li> <li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcohol</li> <li>• CCR 317(i) – Unprofessional Conduct: More Than One Alcohol-Related Conviction</li> </ul>

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Greathouse, Wayne Martin</b> San Clemente, CA	DC 22352	Stipulated Surrender of License	8/28/2021	<ul style="list-style-type: none"> <li>• CCR 311 and 316 – False and Misleading Advertising</li> <li>• CCR 316 and 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 316 and 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 316 and 317(e) – Unprofessional Conduct: Conduct That Endangers or is Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 316 and 317(k) – Unprofessional Conduct: Dishonest Acts</li> <li>• CCR 316 and 317(l) – Unprofessional Conduct: False Representation of Facts</li> <li>• CCR 316 and 317(q) – Unprofessional Conduct: Act of Fraud or Misrepresentation</li> <li>• CCR 316, 317(m), and 318(a) – Violating Board Regulation Regarding Patient Records</li> <li>• CCR 316, 317(m), and 318(b) – Violating Board Regulation Regarding Patient Billings</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Baune, Shawn</b> Rancho Palos Verdes, CA	Unlicensed	\$1,000	8/10/2021	<ul style="list-style-type: none"> <li>• CCR 310.2 and 312 – Unlicensed Practice of Chiropractic</li> </ul>
<b>Pescador, Rene</b> Newark, CA	Unlicensed	\$1,000	8/10/2021	<ul style="list-style-type: none"> <li>• CCR 310.2 and 312 – Unlicensed Practice of Chiropractic</li> </ul>
<b>Johnston, William Roch</b> Irvine, CA	DC 21727	\$1,000	8/25/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 318(a)(3) – Chiropractic Patient Records: Required Content</li> </ul>

**PETITIONS FOR REINSTATEMENT OF LICENSE**

*No Data to Report*

**PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION**

*No Data to Report*

**STATEMENT OF ISSUES**

*No Data to Report*



## SEPTEMBER 2021 ENFORCEMENT ACTIONS

### ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Pooyandeh, Rasoul</b> Pomona, CA	DC 27512	9/2/2021	<ul style="list-style-type: none"> <li>• BPC 490 and 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Grand Theft)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Falsely Representing a State of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> <li>• BPC 810(a)(2) – Unprofessional Conduct: Submitting False or Fraudulent Claims</li> </ul>
<b>Shott, Heather</b> Laguna Hills, CA	DC 31025	9/15/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Violation of Restraining Order and Battery)</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Which Has Endangered or is Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Misdemeanor Crime Involving Physical Violence</li> </ul>

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Choy-Unruh, Tiffany Wonting</b> South Pasadena, CA	DC 32337	9/20/2021	<ul style="list-style-type: none"> <li>• CCR 303 – Failure to File Proper and Current Place of Practice Address</li> <li>• CCR 316(a) – Failure to Ensure Conduct in Place of Practice Conforms to Law and Regulations</li> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Treatment</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Which Has Endangered or is Likely to Endanger the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowingly Making or Signing Any Certificate or Document Which Falsely Represents the Existence or Nonexistence of a State of Facts</li> <li>• CCR 317(m) – Unprofessional Conduct: Violating the Act or Board Regulations</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud or Misrepresentation</li> <li>• CCR 318(a) – Failure to Maintain Patient Records and Failure to Make Such Records Available to the Board</li> <li>• CCR 318(b) – Failure to Ensure Accurate Billing of Services</li> <li>• CCR 319.1 – Failure to Obtain Written Informed Consent</li> <li>• BPC 810(a)(2) and (b) – Insurance Fraud</li> </ul>
<b>Semerdjiev, Ivan George</b> Irvine, CA	DC 32247	9/23/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Convictions of Substantially Related Crimes (Conspiracy to Commit Health Care Fraud and Petty Theft)</li> <li>• BPC 810 – Insurance Fraud</li> <li>• CCR 317(h) – Unprofessional Conduct: Convictions of Crimes Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(m) – Unprofessional Conduct: Violating the Provisions of the Chiropractic Act</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> </ul>

ACT: Chiropractic Initiative Act  
 BPC: Business and Professions Code  
 CCR: California Code of Regulations, Title 16  
 H&S: Health and Safety Code

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Do, Vincent Hoai</b> San Jose, CA	DC 28059	Revoked	9/2/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Permitting a Child Under Five to Suffer Under Circumstances Likely to Cause Great Bodily Injury or Death, and Involuntary Manslaughter)</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of Crimes Involving Moral Turpitude, Dishonesty, Physical Violence, or Corruption)</li> <li>• CCR 317(e) – Unprofessional Conduct: Conduct Endangering Public Health, Welfare, and Safety</li> <li>• CCR 317(w) – Unprofessional Conduct: Failure to Refer Patient for Appropriate Health Care Management</li> </ul>
<b>Le, Dinh Van</b> Stockton, CA	DC 27110	Public Reprimand	9/4/2021	<ul style="list-style-type: none"> <li>• ACT 10 and CCR 317(m) – Failure to Maintain Adequate and Accurate Records</li> <li>• ACT 10, BPC 17500, and CCR 311 and 317(p) – False and Misleading Information in an Advertisement</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
<b>Chambers, Scott Harrison</b> Fremont, CA	DC 23504	\$1,500	9/29/2021	<ul style="list-style-type: none"> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 318(a)(3) – Chiropractic Patient Records: Required Content</li> <li>• CCR 318(b) – Failure to Ensure Accurate Billings</li> </ul>

## PETITIONS FOR REINSTATEMENT OF LICENSE

Name	License No.	Status	Board Action/Decision
Ghodousi, Nosrat N.	DC 21864	Surrendered license effective 6/27/2015	Petition for reinstatement of license denied effective 9/4/2021.
Hallmark, Ryan James	DC 25449	License revoked effective 9/14/2009	Petition for reinstatement of license denied effective 9/11/2021.
Hankins, Dean	DC 21347	License revoked effective 3/24/2017	Petition for reinstatement of license denied effective 9/11/2021.

## PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

Name	License No.	Status	Board Action/Decision
El-Shimey, Mohamed	DC 31876	Stayed revocation and 5 years' probation effective 5/4/2017	Petition for early termination of probation denied effective 9/4/2021.
Cortes, Jude Jix	DC 28938	Stayed revocation and 5 years' probation effective 9/8/2021	Petition for reduction of penalty denied effective 9/8/2021.

## STATEMENT OF ISSUES

*No Data to Report*



## OCTOBER 2021 ENFORCEMENT ACTIONS

### ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Jensen, Morgan</b> San Bruno, CA	DC 17452	10/12/2021	<ul style="list-style-type: none"> <li>• BPC 490 and 493 and CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Submitting Fraudulent/False Information to Obtain Medical Aid)</li> <li>• BPC 810(a)(1) and (2) – False or Fraudulent Claim</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Crime Involving Dishonesty</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of an Act Involving Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Making a Document Which Falsely Represents the Existence or Nonexistence of Facts</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in an Act of Fraud or Misrepresentation</li> </ul>
<b>Sinay, Elad</b> Van Nuys, CA	DC 33682	10/15/2021	<ul style="list-style-type: none"> <li>• BPC 810(a) and (b) – Insurance Fraud</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud or Misrepresentation</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowing Preparation of a Document Containing a Falsehood</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of a Dishonest Act</li> <li>• CCR 318(b) – Failure to Maintain Accountable Billings</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Beall, John Spencer</b> Alameda, CA	DC 31508	Stipulated Surrender of License	10/9/2021	<ul style="list-style-type: none"> <li>• CCR 317 – Unprofessional Conduct</li> <li>• CCR 316(b) and 317(m) – Sexual Acts on Chiropractic Premises</li> <li>• CCR 316(c) and 317(m) – Sexual Relations with Patients, Sexual Relations with a Patron or Employee, and Sexual Misconduct</li> <li>• CCR 317(m) and 318(a) – Failure to Keep Adequate Records</li> <li>• CCR 318(b) – Improper Billing</li> </ul>
<b>Tutino, Andrew</b> Lemon Grove, CA	DC 20427	Revocation Stayed, 5 Years' Probation	10/15/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligence</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Treatment</li> <li>• CCR 317(e) – Unprofessional Conduct: Endangered Health, Welfare, and Safety of the Public</li> <li>• CCR 317(k) – Unprofessional Conduct: Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: False Representation</li> <li>• CCR 317(q) – Unprofessional Conduct: Fraud/Misrepresentation</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Baek, Robert Seung Los Angeles, CA	DC 28622	\$1,000	10/8/2021	<ul style="list-style-type: none"><li>• CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public</li><li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcoholic Beverages</li><li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Reckless Driving)</li></ul>

## PETITIONS FOR REINSTATEMENT OF LICENSE

Name	License No.	Status	Board Action/Decision
Dibagohar, Homan	DC 30890	License revoked effective 9/24/2017	Petition for reinstatement of license granted effective 10/21/2021. License will be issued with stayed revocation and 5 years' probation.

## PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

*No Data to Report*

## STATEMENT OF ISSUES

*No Data to Report*



## NOVEMBER 2021 ENFORCEMENT ACTIONS

### ACCUSATIONS FILED

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Patch, Warren M., Jr.</b> San Diego, CA	DC 14717	11/3/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(k) – Unprofessional Conduct: Moral Turpitude</li> <li>• CCR 316 – Unprofessional Conduct: Sexual Misconduct</li> </ul>
<b>Abrajano, Merick Cudal</b> Torrance, CA	DC 23489	11/8/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Negligent Acts</li> <li>• CCR 317(c) – Unprofessional Conduct: Incompetence</li> <li>• CCR 317(d) – Unprofessional Conduct: Excessive Treatment</li> <li>• CCR 317(e) – Unprofessional Conduct: Endangering the Public</li> <li>• CCR 317(k) – Unprofessional Conduct: Moral Turpitude/Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Misrepresentation in a Document</li> </ul>
<b>Hafner, Diane Helen</b> Atherton, CA	DC 20209	11/8/2021	<ul style="list-style-type: none"> <li>• CCR 317(e) – Unprofessional Conduct: Endangering the Health, Welfare, or Safety of the Public</li> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Crime Substantially Related to Chiropractic Practice</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of an Offense Involving Physical Violence</li> <li>• BPC 822 and CCR 315 – Mental/Physical Illness Affecting Competency</li> <li>• BPC 821 – Failure to Comply with Order for Examination</li> </ul>

Name and City	License No.	Date Filed	Alleged Violation(s)
<b>Flint, Michael Cameron</b> San Diego, CA	DC 21321	11/15/2021	<ul style="list-style-type: none"> <li>• CCR 317(a) – Unprofessional Conduct: Gross Negligence</li> <li>• CCR 317(b) – Unprofessional Conduct: Repeated Acts of Negligence</li> <li>• CCR 318(a)(2) – Failure to Maintain Patient Records</li> </ul>
<b>Johnson, Bradley</b> Goleta, CA	DC 19858	11/15/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of Substantially Related Crimes (Cultivate Marijuana Over 6 Plants and Possess Marijuana For Sale)</li> <li>• CCR 317(j) – Unprofessional Conduct: Violation of Laws Regulating Dangerous and/or Controlled Substances</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(m) – Unprofessional Conduct: Violating the Provisions of the Chiropractic Act</li> </ul>

## DISCIPLINARY ACTIONS

Name and City	License No.	Action	Effective Date	Violation(s)
<b>Hines, Darren Norman</b> Lomita, CA	DC 28334	Revoked	11/28/2021	<ul style="list-style-type: none"> <li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Aiding and Abetting Health Care Fraud)</li> <li>• BPC 810 – Insurance Fraud</li> <li>• CCR 317(h) – Unprofessional Conduct: Conviction of a Felony Crime Involving Moral Turpitude, Dishonesty, or Corruption</li> <li>• CCR 317(k) – Unprofessional Conduct: Commission of Acts Involving Moral Turpitude and Dishonesty</li> <li>• CCR 317(l) – Unprofessional Conduct: Knowingly Making False Statement of Fact</li> <li>• CCR 317(q) – Unprofessional Conduct: Participation in Acts of Fraud and/or Misrepresentation</li> </ul>

## FINAL CITATIONS

Name and City	License No.	Fine Amount	Date Final	Violation(s)
Beal, Kendra Suzanne Valley Center, CA	DC 30984	\$1,000	11/28/2021	<ul style="list-style-type: none"><li>• CCR 317(e) – Unprofessional Conduct: Conduct That Endangered the Health, Welfare, or Safety of the Public</li><li>• CCR 317(f) – Unprofessional Conduct: Dangerous Use of Alcoholic Beverages</li><li>• CCR 317(g) – Unprofessional Conduct: Conviction of a Substantially Related Crime (Reckless Driving)</li></ul>

## PETITIONS FOR REINSTATEMENT OF LICENSE

*No Data to Report*

## PETITIONS FOR EARLY TERMINATION OR MODIFICATION OF PROBATION

*No Data to Report*

## STATEMENT OF ISSUES

*No Data to Report*



**Agenda Item 12  
December 16, 2021**

**Update, Review, Discussion and Possible Action on  
Enforcement Committee December 3, 2021, Meeting Agenda**

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**Purpose of the Item**

The Board will receive an update on the December 3, 2021 Enforcement Committee meeting.

**Action(s) Requested**

The Board will be asked to consider the Committee's recommendations to:

1. Authorize staff to initiate recruitment process for Subject Matter Experts for the Board's Enforcement Program in January 2022.
2. Include a proposal to amend Business and Professions Code section 1007, subdivision (c), in the Board's Sunset Review Report.
3. Divide the CPEI regulation package into six packages grouped by topic and direct staff to work with regulatory legal counsel to develop and update the proposed language for each of the packages and present them to the Committee for review and discussion at a future meeting.

**Background**

The Enforcement Committee met on December 3, 2021, and discussed the following items:

**Proposed Recruitment Timeline for the Board's Expert Witness Program**

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 plans to use 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.

Staff requested authorization to initiate the recruitment process for new Subject Matter Experts for the Board's Enforcement Program based on the following proposed timeline:

- **January 3, 2022:** Post recruitment announcement on the Board's website and begin accepting applications.
- **February 15, 2022:** Final deadline to submit applications.

## **Agenda Item 12 – Update on Enforcement Committee Meeting**

**December 16, 2021**

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- **March 4, 2022:** Final deadline to submit completed writing exercises (applicants prepare an expert report based on a sample case).
- **March 2022:** Members of the Enforcement Committee conduct interviews with qualified applicants.
- **April 2022:** Board staff executes contracts with selected applicants and conducts a training session.

At the meeting, the Committee voted to recommend to the Board that it authorize staff to initiate the recruitment process for Subject Matter Experts for the Board's Enforcement Program in January 2022.

### **Record Keeping Requirements for Chiropractic Patient Records (California Code of Regulations, Title 16, Section 318)**

The Committee reviewed and discussed the Board's current record keeping regulation, California Code of Regulations (CCR), title 16, section 318, which outlines the minimum requirements for documenting and maintaining chiropractic patient records but does not specify the necessary documentation for the patient history, complaint, diagnosis/analysis, and treatment, or differentiate between an initial patient encounter and an established patient visit. Staff will work with the Department of Consumer Affairs (DCA) regulatory legal counsel on proposed language to amend CCR, title 16, section 318 and will present it to the Committee for review at a future meeting in 2022.

### **Proposed Statutory Language to Amend Business and Professions Code Section 1007, subdivision (c), - Specified Exemptions to the Patient Notification Requirement for Licensees Placed on Probation by the Board**

Senate Bill 1448 (Hill, Chapter 570, Statutes of 2018), known as the Patient's Right to Know Act of 2018, added Business and Professions Code (BPC) section 1007, which requires licensees placed on probation by the Board on or after July 1, 2019, to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the Board, the Board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the Board's online license information Internet Web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation.

BPC section 1007, subdivision (c), specifies the exemptions to this patient notification requirement. However, some of these exemptions are not applicable to doctors of chiropractic and can be misused by licensees to avoid notifying patients of their probationary status.

## **Agenda Item 12 – Update on Enforcement Committee Meeting**

**December 16, 2021**

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To strengthen the consumer protection provided by this mandatory patient notification requirement, staff recommended the Committee consider proposed statutory language to remove the following exemptions from this requirement:

- The visit occurs in an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities; and
- 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.

At the meeting, the Committee voted to recommend to the Board that it include this proposal to amend BPC section 1007, subdivision (c), in the New Issues section of the Board's Sunset Review Report.

### **Consumer Protection Enforcement Initiative (CPEI)**

At its August 29, 2016 meeting, the Board approved proposed language to add or amend 12 sections of the Board's regulations to establish stricter reporting and disclosure requirements for licensees and applicants and increase the Board's enforcement authority.

Board staff has been working on the CPEI regulation package and has determined, after review by DCA regulatory legal counsel, that additional changes are necessary to portions of the proposed language prior to proceeding with the regulatory process. To expeditiously move this proposal forward, staff recommended dividing the regulation package into the following six packages:

#### **1. Chiropractic Practice Locations**

- Amend 16 CCR 303 (Filing of Addresses)
- Amend 16 CCR 306.3 (Investigators; Authority to Inspect Premises)
- Amend 16 CCR 308 (Display of License)
- Add 16 CCR 308.1 (Notice to Consumers)

#### **2. Discipline by Other Agencies and Licensee Reporting Requirements**

- Amend 16 CCR 304 (Discipline by Another Jurisdiction)
- Amend 16 CCR 314 (Law Violators)
- Add 16 CCR 317.3 (Licensee Reporting Requirements)

#### **3. Supervision of Unlicensed Individuals at Chiropractic Practices**

- Amend 16 CCR 312 (Supervision of Unlicensed Individuals)

#### **4. Order for Physical or Mental Examination of Applicants**

- Add 16 CCR 321.3 (Physical or Mental Examination of Applicants)

## Agenda Item 12 – Update on Enforcement Committee Meeting

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### 5. Filing and Evaluation Process for Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation

- Add 16 CCR 384.1 (Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation)

### 6. Sexual Contact with a Patient and Required Actions Against Registered Sex Offenders

- Add 16 CCR 390.7 (Sexual Contact with Patient)
- Add 16 CCR 390.8 (Required Actions Against Registered Sex Offenders)

At the meeting, the Committee voted to recommend to the Board that the CPEI regulation package be divided into six packages grouped by topic and that staff be directed to work with DCA regulatory legal counsel to develop and update the proposed language for each of the regulation packages and present them to the Committee for review and discussion at a future meeting.

### **The Board's *Disciplinary Guidelines and Model Disciplinary Orders* and Implementation of the Uniform Standards for Substance Abusing Licensees (California Code of Regulations, Title 16, Section 384)**

Staff provided the Committee with an update on the regulatory proposal to amend CCR, title 16, section 384, incorporate the Board's revised *Disciplinary Guidelines and Model Disciplinary Orders* by reference, and implement the Uniform Standards for Substance Abusing Licensees.

Staff has been developing the regulation package and has determined additional changes are necessary prior to proceeding with the regulatory process. Staff plans to work with DCA regulatory legal counsel to make necessary updates and revisions to the Board's *Disciplinary Guidelines* and present proposed language to the Committee for review and discussion at a future meeting in 2022.

### **Attachment(s)**

1. December 3, 2021 Enforcement Committee Meeting Agenda
2. Proposed Statutory Language to Amend Business and Professions Code Section 1007, subdivision (c) (Draft)
3. Proposed Language: Consumer Protection Enforcement Initiative (CPEI), Approved August 29, 2016



**NOTICE OF TELECONFERENCE**  
**ENFORCEMENT COMMITTEE MEETING**

December 3, 2021  
9:00 a.m. to 11:00 a.m.  
(or until completion of business)

Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided. To access the Webex event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mc5cceb968371d87fd3ed8acbccaa5a3fe>

If joining using the link above

Event number: 2494 536 4873

Event password: BCE12032021

If joining by phone

+1-415-655-0001 US Toll

Access code: 249 453 64873

Passcode: 22312032

***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 two 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, or e-mailing [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov), or sending a written request to the Board of Chiropractic Examiners, 1625 N. Market Boulevard, Suite N-327, Sacramento, CA 95834. 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 October 16, 2020 Meeting Minutes**
- 3. Review, Discussion, and Possible Action Regarding the Expert Witness Recruitment and Selection Process**

- 4. Review, Discussion, and Possible Action Regarding the Record Keeping Requirements for Chiropractic Patient Records (California Code of Regulations, Title 16, Section 318)**
- 5. Review, Discussion, and Possible Action Regarding Proposed Statutory Language to Amend Business and Professions Code Section 1007, subdivision (c), - Specified Exemptions to the Patient Notification Requirement for Licensees Placed on Probation by the Board**
- 6. Review, Discussion, and Possible Action regarding:**
  - A. Consumer Protection Enforcement Initiative (CPEI)
  - B. The Board's *Disciplinary Guidelines and Model Disciplinary Orders* and Implementation of the Uniform Standards for Substance Abusing Licensees (California Code of Regulations, Title 16, Section 384)
- 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 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 and 11125.7(a)). Public comment is encouraged; however, if time constraints mandate, comments may be limited at the discretion of the Committee Chair.*
- 8. Future Agenda Items**

*Note: The Committee may not discuss or take action on any matter raised during this 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 section 11125).*
- 9. Adjournment**

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In accordance with Government Code section 11133, no physical location is available for observation and public comment, so please plan to attend the meeting 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 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](http://www.chiro.ca.gov).

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**Proposed Statutory Language to Amend Business and Professions Code**  
**Section 1007, subdivision (c)**

§ 1007. (a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information Internet Web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019.

(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

(c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a) if any of the following applies:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.

(2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities.

(3) The licensee who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.

(43) The licensee does not have a direct treatment relationship with the patient.

(d) On and after July 1, 2019, the board shall provide the following information, with respect to licensees on probation and licensees practicing under probationary licenses, in plain view on the licensee's profile page on the board's online license information Internet Web site.

(1) For probation imposed pursuant to a stipulated settlement, the causes alleged in the operative accusation along with a designation identifying those causes by which the licensee has expressly admitted guilt and a statement that acceptance of the settlement is not an admission of guilt.

(2) For probation imposed by an adjudicated decision of the board, the causes for probation stated in the final probationary order.

(3) For a licensee granted a probationary license, the causes by which the probationary license was imposed.

(4) The length of the probation and end date.

(5) All practice restrictions placed on the license by the board.

(e) "Board" for purposes of this section means the State Board of Chiropractic Examiners.

*(Added by Stats. 2018, Ch. 570, Sec. 2. (SB 1448) Effective January 1, 2019.)*

DRAFT

**Proposed Language: Consumer Protection Enforcement Initiative (CPEI)****§303. Filing of Addresses.**

(a) Each person holding a license to practice chiropractic in the State of California under any and all laws administered by the board shall file with the board his or her proper and current place of physical practice address of his principal office and, where appropriate, each and every sub-office satellite office, with the board at its office in Sacramento and shall immediately notify the board at its said office of any and all changes of place of practice address, giving both his old and his new address within 30 days of change. If a licensee does not have a practice address, the licensee may file with the board his or her proper and current residential address. The address provided pursuant to this paragraph shall be public information unless the licensee also submits an alternate address pursuant to paragraph (b).

(b) In addition to the address filed pursuant to paragraph (a), a licensee may designate a post office box number or other alternate address as the address of record that shall be public information.

(c) Each licensee shall report to the board each and every change of address within 30 (thirty) days after each change, providing both the old and new addresses. The change of address shall be submitted in writing and mailed or faxed to the board at its office in Sacramento.

NOTE: Authority cited: Sections 27 and 136 of the Business and Professions Code, Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii). Reference: Sections 27 and 136 of the Business and Professions Code, Section 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii).

**§304. Discipline by Another State Jurisdiction.**

~~The revocation, suspension, or other discipline by another state of a license or certificate to practice chiropractic, or any other health care profession for which a license or certificate is required, shall constitute grounds for disciplinary action against a chiropractic licensee or grounds for the denial of chiropractic licensure of an applicant in this state.~~

(a) Any disciplinary action taken against a licensee by another licensing entity or authority of this state or of another state or an agency of the federal government or province thereof, or the United States Military or a foreign government or any other jurisdiction shall constitute unprofessional conduct.

(b) Disciplinary action is defined as any revocation, suspension, probation, or reprimand of a professional license.

Note: Authority cited: Sections 1000-4(b) and 1000-10(a), of the Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii).  
Reference: Sections 1000-4(b) and 1000-10(a), of the Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii).

### **§306.3. Investigators; Authority to Inspect Premises.**

The board or its designee may inspect the physical premises of any chiropractic office during regular business hours. Failure by a licensee to allow such an inspection shall be considered as unprofessional conduct.

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

### **§308. Display of License.**

(a) Each person holding a license shall prominently display a their current active license in the entry area or waiting area of their principal place of business ~~a conspicuous place in the licensee's principal office or primary place of practice.~~

(b) Any licensed ~~D~~doctor of ~~C~~chiropractic with more than one place of practice shall obtain from the board a Satellite Office Certificate for each additional place of practice. Said certificate must be renewed annually.

(c) A licensed ~~D~~doctor of ~~C~~chiropractic must prominently display in a conspicuous place a current active Satellite Office Certificate in the entry area or waiting area of at the office for which it was issued at all times while treating, examining or evaluating patients at that location.

(d) Notwithstanding subdivisions (b) and (c), any licensed doctor of chiropractic who is practicing in a mobile setting, such as at a health fair, a sporting event, or a patient's home, shall not be required to obtain and display a satellite certificate. However, any licensee practicing in such a mobile setting must at all times carry a current and active pocket license and shall make their pocket license available for inspection to a representative of the board or any member of the public immediately upon request.

(e) No licensed ~~D~~doctor of ~~C~~chiropractic shall display any chiropractic license, certificate or registration, which is not currently active and valid.

NOTE: Authority cited: Section 104 of the Business and Professions Code and Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii). Reference: Section 104 of the Business and Professions Code and Sections 1000-5, 1000-7 and 1000-12, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

### **308.1. Notice to Consumers**

(a) A licensee engaged in the practice of chiropractic shall provide notice to each patient of the fact that the licensee is licensed and regulated by the board. The notice shall include the following statement and information:

Notice to Consumers

Chiropractic doctors are licensed and regulated by the Board of Chiropractic Examiners

(916) 263-5355

www.chiro.ca.gov

(b) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in an area visible to patients on the premises where the licensee provides the licensed services, in which case the notice shall be in at least 40-point type in Arial font.

(2) Including the notice in a written statement, signed and dated by the patient or the patient's representative and retained in the patient's medical records, stating the patient understands the chiropractor is licensed and regulated by the board.

(3) Including the notice in a statement on letterhead, discharge instructions, or other documents given to a patient or the patient's representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

NOTE: Authority cited: Sections 138 of the Business and Professions Code and 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii). Reference: Section 138 of the Business and Professions Code and 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

### **§ 312. Illegal Practice Supervision of Unlicensed Individuals.**

~~Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment.~~ An "unlicensed individual" is defined as any person, including a student or graduate of a chiropractic institution, who does not hold a valid California chiropractic license. An exemption is hereby created for chiropractic students ~~doctors~~ participating in board approved preceptorship programs.

The licensed doctor of chiropractic shall initially examine and prepare a written treatment plan for a patient prior to the provision of physiotherapy treatment. The unlicensed individual shall follow and provide only the treatment defined in the written plan.

(a) The permitted activities of unlicensed individuals are as follows:

(a1) Unlicensed individuals may take the history of a patient. ~~However, this activity is separate from the consultation which at all times must be conducted by the licensed doctor.~~ The licensed doctor of chiropractic must confirm the history with the patient and determine all appropriate evaluations, imaging, examinations and referrals.

(b2) Unlicensed individuals may conduct standard neurological, orthopedic, physical and chiropractic examinations ~~except they may not perform such examinations which require diagnostic or analytic interpretations nor may they~~ at the direction of the licensed doctor of chiropractic. Unlicensed individuals may not render a conclusion either verbally or in writing to a patient regarding the patient's physical condition. ~~As an example, unlicensed individuals may not perform evaluations of heart or lung soundings.~~ Such individuals shall be at all times under the ~~immediate and direct~~ supervision of a licensed ~~D~~Cdoctor of ~~C~~Chiropractic.

~~“Immediate and d~~Direct supervision” means the licensed ~~D~~Cdoctor of ~~C~~Chiropractic shall be at all times ~~on the premises~~ present in the same chiropractic facility where the examinations are being conducted. The licensed ~~D~~Cdoctor of ~~C~~Chiropractic shall be responsible for the verification of the recorded findings and will be solely responsible for rendering a conclusion based on the findings.

(c3) Unlicensed individuals may administer ~~physical~~ physiotherapy treatments as an adjunct to chiropractic adjustment, provided the ~~physical~~ physiotherapy treatment is conducted under the adequate indirect supervision of a licensed ~~D~~Cdoctor of ~~C~~Chiropractic.

Adequate “Indirect supervision” means shall include all of the following:

(1) ~~The~~ licensed doctor of chiropractic shall be present in the same chiropractic facility with the unlicensed individual at least fifty percent of any work week or portion thereof the said individual is on duty unless this requirement has been waived by the board. The licensed doctor of chiropractic shall be readily available to the said individual at all other times for advice, assistance and instruction.

(2) ~~The doctor shall initially examine and prepare a written treatment program for a patient prior to the providing of physical therapy treatment by the unlicensed individual.~~

(3) ~~The doctor shall provide periodic reevaluation of the treatment program and of the individual's performance in relation to the patient. “Periodic reevaluation” shall mean at least once every thirty days the patient is under active care.~~

(4) ~~The doctor shall perform and record an evaluation of the patient and his or her response to treatment at the termination thereof.~~

(d4) The licensed doctor of chiropractic is responsible for evaluating a radiographic image before any markings are added that obstruct portions of a body part. The licensed doctor of chiropractic may refer the evaluation of radiographic images to a radiologist. Following the licensed doctor of chiropractic's review of the radiograph, the  
~~Unlicensed individuals may mark X-ray films administered~~ generated by a licensed  
~~Doctor of Chiropractic.~~ "Marking X-rays" is defined as drawing and measuring between reference points and making angular and linear measurements. Unlicensed individuals are not permitted to make any diagnostic conclusions or chiropractic analytical listings,~~;~~ and~~†~~The licensed doctor of chiropractic is responsible for any pathological entities covered or obstructed by the markings.

(eb) Unlicensed individuals may not: ~~administer~~

(1) Generate X-rays unless they hold a valid X-ray technician certificate from the issued by the Department of Public Health Services, Radiologic Health Branch, or participate under the direct supervision of a licensed ~~Doctor of Chiropractic in a~~ as part of a training program approved by that department and set forth in Section 25668.1 of the California Health and Safety Code. This prohibition, set forth in Section 30403 of Title 17 of the California Administrative Code includes the following activities:

(1A) Positioning of patient;

(2B) Setting up of X-ray machines;

(3C) Pushing a button to generate a radiographic beam;

(4D) Developing of films. However, †the Department of Public Health Services, Radiologic Health Branch has determined that unlicensed individuals may develop X-ray film if that is their sole radiologic responsibility.

(2) Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. All preceptors must be under the direct supervision of a licensed doctor of chiropractic.

(c) Unlicensed individuals who exceed the permitted scope of practice set forth in this regulation shall be in violation of Section 15 of the Chiropractic Initiative Act and shall be prohibited from applying for a California chiropractic license for such time as may be determined by the board. Student doctors participating in board approved preceptorship programs are not to be considered "unlicensed individuals" when working in said program.

(d) A violation of this section shall constitute unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Section 1000-4(b), of the Business and Professions Code (Chiropractic Initiative Act of California, (Stats. 1923, p. 1xxxviii). Reference: Section 1000-15, of the Business and Professions Code (Chiropractic Initiative Act of California, (Stats. 1923, p. 1xxxviii)) and Section 25668.1, California Health and Safety Code; Section 30403 of Title 17, California Administrative Code.

### **§314. Law Violators.**

It shall be the duty of every licensee to notify the Executive Officer or his or her designee of any violation of the act and statutes governing the practice of chiropractic, or these rules and regulations, in order that the board may take disciplinary action.

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

### **§317.2. Gag Clauses in Civil Agreements Prohibited.**

(a) A licensee shall not include or permit to be included any of the following provisions in an agreement to settle a civil dispute arising from his or her practice, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting or cooperating with the board.

(2) A provision that prohibits another party to the dispute from filing a complaint with the board.

(3) A provision that requires another party to the dispute to attempt to withdraw a complaint he or she has filed with the board.

(b) A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Sections 1000-4(b), and 1000-10 (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) and Section 475, Business and Professions Code. Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) and Section 475, Business and Professions Code.

### **§317.3. Licensee Reporting Requirements.**

(a) A licensee shall report any of the following to the board:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.

(3) Any disciplinary action, as defined in section 304.

(b) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or the charging of a felony, the arrest, the conviction, or the disciplinary action.

(c) Failure to make a report required by this section shall constitute unprofessional conduct.

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

### **§321.1. Physical or Mental Examination of Applicants.**

(a) In addition to any other requirements for licensure, whenever it appears evidence exists that an applicant for a license may be unable to perform as a chiropractor safely because the applicant's ability to perform may be impaired due to mental illness or physical illness affecting competency, the board may order the applicant to be examined by one or more physicians and surgeons, chiropractors, or psychologists designated by the board. The board shall pay the full cost of such examination.

(b) An applicant's failure to comply with an order issued under subdivision (a) shall render his or her application incomplete.

(c) The report of the evaluation shall be made available to the applicant

(d) If after receiving the evaluation report the board determines that the applicant is unable to safely practice, the board may deny the application.

(e) If the Board determines, pursuant to proceedings conducted under this subdivision, that there is insufficient evidence to deny an application due to an applicant's fitness for licensure, then all Board records of the proceedings, including the order for the examination, investigative reports, if any, and the report of the physicians and surgeons, chiropractors or psychologists, shall be kept confidential. If no further proceedings are conducted to determine the applicant's fitness to practice during a period of five years from the date of the determination by the Board of the proceedings pursuant to this subdivision, then the Board shall purge and destroy all records pertaining to the proceedings. If new proceedings are instituted during the five-year period against the applicant by the Board, the records, including the report of the physicians and surgeons or psychologists, may be used in the proceedings and shall be available to the applicant pursuant to the provisions of Section 11507.6 of the Government Code.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii). Reference: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) and Sections 480, 820, 822 of the Business and Professions Code.

### **384.1 Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation**

(a) In petitioning for Reinstatement under Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) or Reduction of Penalty which would include Early Termination of Probation under Government Code section 11522, the petitioner has the burden of demonstrating any rehabilitative or corrective measures he or she has taken since the revocation or disciplinary action and, that he or she has the necessary and current qualifications and skills to safely engage in the practice of chiropractic within the scope of current law, and accepted standards of practice.

(b) In reaching its determination the board may consider various factors including the following:

(1) The original violation(s) for which action was taken against the petitioner's license including:

(A) The type, severity, number, and length of violations.

(B) Whether the violation involved intentional, negligent or other unprofessional conduct.

(C) Actual or potential harm to the public, patients, or others.

(D) The length of time since the violation(s) was committed.

(2) Prior disciplinary and criminal actions also taken against the petitioner by the board, any local, state, or federal entity, territory, foreign country, or U.S. federal jurisdiction:

(A) The petitioner's compliance with all terms of probation, parole, previous discipline or other lawfully imposed sanctions including any order of restitution.

(B) Whether the petitioner is currently on or has been terminated from probation or other lawfully imposed sanction.

(C) The petitioner's legal and regulatory history to and since the violation(s).

(3) The petitioner's attitude toward his or her commission of the original violation(s) and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts.

(4) The petitioner's documented rehabilitative efforts including:

(A) Efforts to maintain and/or upgrade professional skills and knowledge through continuing education or other methods.

(B) Efforts to establish safeguards to prevent repetition of the original violation(s) including changes or modifications in policies, structure, systems, or methods of behavior applicable to the petitioner's chiropractic practice.

(C) Service to community or charitable groups.

(D) Voluntary restitution to those affected by the original violation(s).

(E) Use of appropriate professional medical or psychotherapeutic treatment.

(F) Participation in appropriate self-help and/or rehabilitation groups.

(G) Use of appropriate peer review mechanisms.

(H) Participation in professional chiropractic organizations or associations.

(5) Assessment of the petitioner's rehabilitative and corrective efforts including:

(A) Whether the efforts relate to the original violation(s).

(B) The date rehabilitative efforts were initiated.

(C) The length, time, and expense associated with rehabilitative efforts or corrective actions.

(D) The assessment and recommendations of qualified professionals directly involved in the petitioner's rehabilitative efforts or acting at the request of the board, including their description of the petitioner's progress and their prognosis of the petitioner's current ability to practice chiropractic.

(E) The petitioner's reputation for truth, professional ability and good character since the commission of the original violation(s).

(F) The nature and status of ongoing and continuing rehabilitation efforts.

(c) In addition, the board may consider other appropriate and relevant matters not listed in the above guidelines.

(d) All statements to be introduced at hearing must be made in person or pursuant to Government Code Section 11514 (evidence by affidavit). All other statements not made in person or pursuant to Government Code Section 11514 must be under oath and will be considered only as administrative hearsay.

(e) A petition for reinstatement shall be submitted on an application form (Form # 09PRRL – Revised 5/2016) prescribed and provided by the board, and titled "Petition for Reinstatement of Revoked License," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(f) A petition for early termination of probation shall be submitted on an application form (Form # 09PTP – Revised 5/2016) prescribed and provided by the board, and titled "Petition for Early Termination of Probation," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(g) A petition for reduction of penalty shall be submitted on an application form (Form # 09PRP – Revised 5/2016) prescribed and provided by the board, and titled "Petition for Reduction of Penalty," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(h) A petitioner pursuant to Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) whose license has been revoked or cancelled may not petition the board for reinstatement until two (2) years has elapsed since the effective date of the decision revoking the license or the date the license was cancelled.

NOTE: Authority cited: Sections 1000-4(b) 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii); Section 1003 Business and Professions Code; and Sections 11514 and 11522 Government Code.

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

### **§390.7. Sexual Contact With Patient.**

Except as otherwise provided, any proposed decision or decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c)(3) of Section 729 of the Business and Professions Code, shall contain an order of revocation. A proposed decision shall not contain a stay of the revocation.

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

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

### **§390.8. Required Actions Against Registered Sex Offenders.**

(a) Except as otherwise provided, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, under military law, under federal law, or by a foreign government, or any other jurisdiction or province thereof, the board shall be subject to the following requirements:

(1) The board shall deny an application by the individual for licensure in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) If the individual is licensed under (Chiropractic Initiative Act of California) the board shall promptly revoke the license of the individual in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The board shall not stay the revocation nor place the license on probation.

(3) The board shall not reinstate or reissue the individual's license. The board shall not issue a stay of license denial nor place the license on probation.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender, provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to deny or discipline a license under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the ~~healing arts~~ board from exercising its discretion to deny or discipline a license under any other provision of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to [insert effective date]. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition against reinstating a license to an individual who is required to register as a sex offender shall be applicable.

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

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

**Agenda Item #13  
December 16, 2021**

**Review, Discussion and Possible Action Regarding Fee Analysis Report**

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**Purpose of the item**

The Board will receive a presentation on the Fee Analysis Report from Courtney Ramos, Vice President of Matrix Consulting Group. Additionally, the Board will have the opportunity to ask questions and direct staff to take action should it be deemed necessary.

**Action(s) requested**

No action requested at this time.

**Background**

The Board's current budget is structurally imbalanced. The Board's expenditures outpace the revenue received. If expenditures continue with no increase and revenue does not increase, the Board will become insolvent in 2023-24 and projected to have a -0.1 month in reserve balance at the end of 2022-23. The Board's depleted fund condition is due to a number of factors, including but not limited to, an increase in departmental and statewide pro-rata, increased overhead costs, unanticipated one-time expenses, and a slight decrease in revenue due to a gradual decline in the licensee population.

In order to substantiate budget concerns and determine a factual basis for any future increase in fees charged to licensees, the Board contracted with Matrix Consulting Group. They were tasked with conducting a fee audit to assess the current fees charged and determining what the fees should be based upon actual workload incurred by staff. Finally, they were asked to provide a presentation to the Board of their findings at the September 23, 2021, Board Meeting.

Factors contributing to the Board's current funding situation include past and projected future increases in employee compensation, business modernization costs, increased hourly rate charged by the Attorney General's Office, and increased DCA and statewide pro rata fees. Other contributing factors include repayment of the \$2.698 million the loan received from Bureau of Automotive Repair in 2014. The board made an initial repayment of approximately one half in the ensuing year with the remaining balance still outstanding. The Board plans to initiate this outstanding obligation repayment of \$250,000 per year effective 2021-22 until the loan is paid back w/ interest.

The Board experienced past budget reversions, however, the cost of Business Modernization has eliminated significant future reversions.

The Board will likely become insolvent in 2023-24 regardless of Loan repayment if the statutory fee increase does not occur and become effective July 1, 2023.

The Board is projected to generate more revenue than originally anticipated in current year 2020-21, which will provide some relief but is not able to fully mitigate the fund shortfall.

**Recommendation(s)**

No recommendations at this time.

**Next Step**

N/A

**Attachment(s)**

- Matrix Consulting Group's Fee Analysis Report

# **Board of Chiropractic Examiners (BCE) Fee Study**

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

## **FINAL REPORT**

December 2021

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# 1. Introduction and Executive Summary

The Matrix Consulting Group was retained by the Board of Chiropractic Examiners (BCE) to evaluate its fees for service. The following report summarizes the findings and conclusions associated with BCE's current and full cost recovery.

## 1 Project Background and Overview

The Board of Chiropractic Examiners was established via the Chiropractic Initiative Act in 1922, with a legal framework dictating that fees charged should cover all costs of operations, including licensing and enforcement. Given current staffing and operational costs, as well as current fee amounts, the BCE could be facing imminent insolvency. As the BCE's sole source of funding is fees charged for licensing, continuing education, and other regulatory services, the need for increased fees is paramount.

Therefore, the focus of this analysis was to evaluate the full cost associated with processing licenses associated with practicing, continuing education, reinstatement of licenses, and other similar services. The results of this study provide a tool for understanding current service levels, the cost and demand for those services, and what fees for service can be charged.

## 2 General Project Approach and Methodology

The methodology employed by the Matrix Consulting Group is a widely accepted "bottom up" approach to cost analysis, where time spent per unit of fee activity is determined for each position within a Program. Once time spent for a fee activity is determined, all applicable organizational costs are then considered in the calculation of the "full" cost of providing each service. The following table provides an overview of types of costs applied in establishing the "full" cost of services provided by the Board:

**Table 1: Overview of Cost Components**

Cost Component	Description
<b>Direct</b>	Fiscal Year 2021-22 Budgeted salaries, benefits and allowable expenditures.
<b>Indirect</b>	Administration / management, clerical, enforcement, special investigations support, and reserve requirements.

Together, the cost components in the table above comprise the calculation of the total "full" cost of providing any particular service, regardless of whether a fee for that service is charged.

The work accomplished by the Matrix Consulting Group in the analysis of the fees for service involved the following steps:

- **Staff Interviews:** The project team interviewed BCE Licensing and Enforcement staff to obtain a better understanding of how licensing services are provided.
- **Data Collection:** Data was collected for staffing, budget, and workload information and entered into the analytical fee model. Along with budgeted expenditures, the project team also worked with staff to identify the costs associated with enforcement and reserve requirements.
- **Cost Analysis:** The full cost of providing each service included in the analysis was established.
- **Review and Approval of Results with Staff:** Management has reviewed and approved these documented results.

A more detailed description of the legal considerations and fee methodology used to calculate the BCE fees is provided in subsequent chapters of this report.

### 3 Summary of Fee Study

The primary focus of this study is to determine the full cost associated with licensing-related services. The following table compares the current revenue to the full cost revenue calculated, the resulting surplus / (deficit), and cost recovery level:

**Table 2: Annual Cost Recovery Analysis**

Total Annual Revenue <sup>1</sup>	\$4,611,988
Total Annual Cost <sup>2</sup>	\$6,024,382
<b>Annual Surplus / (Deficit)</b>	<b>(\$1,412,394)</b>
<b>Cost Recovery %</b>	<b>77%</b>

Based upon the results of this analysis, the BCE is under-recovering by approximately \$1.4 million for its fee-related services. This \$1.4 million under-recovery represents a 77% cost recovery level. The cost figures in this report are meant to provide guidance to decision-makers: Management and the Board regarding the maximum allowable fees that can be charged. The following chapters provide greater detail regarding the full cost calculations for licensing services.

<sup>1</sup> Based on FY2020-21 workload and current fees.

<sup>2</sup> Includes FY2021-22 Budget Act, as well as cost obligations such as the Bureau of Automotive Repair (BAR) loan payback, supplemental pension payments, statewide prorata, general salary increases, ongoing expenditure reductions, and reserve buildup.

## 2. Legal Framework

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The California Board of Chiropractic Examiners has specific legal framework, which dictates that its fees should cover all costs of operations including licensing and any enforcement costs. In 1922 California electors approved the Chiropractic Initiative Act, which created the State Board of Chiropractic Examiners, and prescribed the terms upon which licenses could be issued to practitioners of chiropractic, as well as penalties for violation. There are three sections that are pertinent to the fee study: §4, §12.5, and §14. The following subsections provide an overview of these three sections:

### 1 §4: Powers of the Board

This section gives the Board the authority to adopt rules and regulations regarding educational requirements; establish minimum requirements for teachers at chiropractic schools and colleges; approve chiropractic schools and colleges; and employ investigators, clerical assistants, and commissioners to carry out these duties. Additional sections of the Chiropractic Initiative Act outline the Board's authority regarding issuance, revocation, and reinstatement of licenses, including:

- § 7 Certificate to practice; issuance; practice authorized
- § 9 Issuance of licenses to licensees of other states
- § 10 Rules of professional conduct; denial, suspension or revocation of license; reissuance
- § 12 Renewal Fee
- § 15 Noncompliance with and violations of act
- § 17 Enforcement of act

As it can be seen from the points above, the BCE's current fees cover all of these areas of services.

### 2 §12.5: Authority of Legislature to Fix Fees

This section provides the legislature the authority to fix fees payable by applicants and licensees and per diem compensation for the Board, and gives the legislature the authority to "... *fix the amounts of the fees payable by applicants and licensees...*". The

goal of this analysis is to provide the legislature with information regarding the full cost to determine where and how to fix the amount of the fees.

### **3 §14: Use of State Board of Chiropractic Examiners' Fund**

This section dictates that “...*all money received by the board from all sources..*” is to be deposited into the State Board of Chiropractic Examiners' Fund (a special fund), “..*and shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act, upon proper claims approved by said board or a finance committee thereof.*” With its special fund designation, the Board of Chiropractic Examiners does not receive funding from taxes, grants, or the State's general fund. Therefore, it must charge license and registration fees and fines in an amount sufficient to sustain regulatory practices.

### 3. Staffing and Budget Assumptions

In order to determine the full cost of providing BCE services, staffing and budget information was collected for Fiscal Year 2020-21. This information outlined the staff available to process licensing, continuing education, and other services, as well as the budget and non-budget costs incurred by BCE. The following sections detail the staffing and budget assumptions included in this cost of service study.

#### 1 Fiscal Year 2020-21 Staffing Assumptions

In Fiscal Year 2020-21 the BCE budgeted for 19 Full Time staff positions, as well as two (2) Seasonal Clerks. Full time staff have a standard assumption of 2,080 hours, and are eligible for full vacation, holiday, and sick leave. Seasonal Clerks can work a maximum of 1,500 hours annually, and do not accrue any vacation or sick leave. The following table outlines the titles and number of budgeted positions for BCE staff.

**Table 3: Fiscal Year 2020-21 Budgeted Staff**

<b>Position Title</b>	<b>FT Positions</b>
Office Tech (Typing)	2.00
Staff Services Manager II/Sup	1.00
Staff Services Manager I	2.00
Staff Services Analyst	4.00
Management Services Tech	1.00
Assoc Gov Prog Analyst	5.00
Special Investigator	3.00
Executive Officer	1.00
Seasonal Clerk	
<b>Total Staff</b>	<b>19.00</b>

BCE staff support falls into four basic categories: direct fee-related services, enforcement activities, special investigations, or administrative support. The following points provide an overview of these categories, as well as the associated staff.

- **Fee-Related:** Staff who work directly in support of licensing, continuing education, and other fee-related services include: Office Tech (Typing), Staff Services Manager I, Staff Services Analyst Associate Government Program Analyst, and Seasonal Clerk.
- **Enforcement:** Staff who work to process complaints, and research applicable laws relating to possible violations include: Staff Services Manager I, Staff Services Analyst, Associate Government Program Analyst, and Seasonal Clerk.

- **Special Investigations:** Special Investigators are responsible for conducting field investigations.
- **Administrative Support:** Staff who manage, oversee, or support all staff include: Office Tech (Typing), Staff Services Manager II / Supervisor, Management Services Tech, Associate Government Program Analyst, Executive Officer, and Seasonal Clerk.

The project team worked with BCE staff to identify various daily, weekly, monthly, and annual activities carried out by staff that fall into each of the above categories in order to develop appropriate time estimates and cost assumptions.

## 2 Fiscal Year 2020-21 Budget Assumptions and Budget Adjustments

In order to determine appropriate costs for inclusion in the fee analysis, the project team first started with the Fiscal Year 2020-21 Budget for BCE. Expenditure line items were reviewed for appropriateness, as well as any mid-year adjustments, such as updating BCE's 2020-21 Budget to its recently enacted 2021-22 Budget (Budget Act). Finally, non-budget items were also identified for inclusion in the full cost of providing BCE services.

### (1) Fiscal Year 2020-21 Budget

The project team worked with BCE staff to review the Fiscal Year 2020-21 Budget, and incorporated adjustments associated with several expenditure line items. While the starting budget was \$5 million, based on adjustments made, the total budgeted cost included in the analysis was \$4.6 million. The following table details the Fiscal Year 2020-21 Budget, proposed Cost Adjustments, and the total Adjusted Cost, which ties to BCE's 2021-22 Enacted Budget.

**Table 4: Fiscal Year 2020-21 Budget and Adjustments**

<b>Cost Type</b>	<b>FY20-21 Budget</b>	<b>Cost Adjustments</b>	<b>Total Adjusted Cost</b>
Salary & Wages	\$1,255,000	\$133,000	\$1,388,000
Temp Help	\$8,000		\$8,000
Statutory Exempt (EO)	\$116,000		\$116,000
Overtime/Retirement Payout	\$1,000		\$1,000
Staff Benefits	\$695,000	\$47,000	\$742,000
Board Member Per Diem	\$16,000		\$16,000
General Expense	\$30,000		\$30,000
Printing	\$3,000		\$3,000
Communication	\$19,000		\$19,000
Postage	\$7,000		\$7,000
Travel In State	\$22,000		\$22,000

<b>Cost Type</b>	<b>FY20-21 Budget</b>	<b>Cost Adjustments</b>	<b>Total Adjusted Cost</b>
Training	\$9,000		\$9,000
Facilities Operations	\$141,000		\$141,000
Attorney General	\$933,000		\$933,000
Office of Administrative Hearings	\$159,000		\$159,000
Evidence/Witness Fees	\$75,000	(\$17,000)	\$58,000
C & P Services - External	\$448,000	(\$438,000)	\$10,000
DCA Pro Rata	\$1,011,000	(\$240,000)	\$771,000
Consolidated Data Center	\$27,000		\$27,000
Information Technology	\$60,000	(\$7,000)	\$53,000
Equipment	\$13,000	(\$2,000)	\$11,000
Vehicle Operations	\$42,000		\$42,000
<b>Total Budgeted Costs</b>	<b>\$5,090,000</b>	<b>(\$524,000)</b>	<b>\$4,566,000</b>

Upon review of the budgeted line items included in the budget, BCE identified approximately \$5 million in cost adjustments. Costs associated with Salary and Wages and Staff Benefits were increased by \$180,000, while costs associated with Evidence / Witness Fees, C&P Services – External, DCA Pro Rata, Information Technology, and Equipment were reduced by \$700,000.

## (2) Non-Budget Items

The BCE develops an annual budget every year to reflect known cost types such as salaries, benefits, and operating costs. However, the BCE has several non-budget expense obligations that it is required to pay, which total \$1.5 million this year. The following table outlines the non-budget expenses the BCE should incur by cost type.

**Table 5: Fiscal Year 2021-22 Non-Budget Expenses**

<b>Non-Budget Item</b>	<b>Annual Cost</b>
Office Relocation	\$29,920
Credit Card Fees	\$84,591
Direct Fund Transfer - BAR Loan Payback (\$1.448 million outstanding)	\$250,000
Direct Fund Assessment - Supplemental Pension Payments (Ends 2024-25)	\$85,000
Direct Fund Assessment - Statewide Prorata	\$297,000
General Salary Increases (eff. 7/1/2021)	\$130,000
Ongoing Expenditure Reduction	(\$16,000)
Annual Reserve	\$597,870
<b>Total Non-Budget Expenses</b>	<b>\$1,458,382</b>

Over the next several years the BCE should make payments to offset its BAR Loan, as well as Supplemental Pension Payments. It will also need to pay for Statewide Prorata, cover general salary increases, account for an ongoing expenditure reductions, account for credit card fees associated with taking online payments, and account for amortized costs associated with office relocations. Finally, the BCE needs to build back its fund reserve in order to offset any unforeseen future economic uncertainties.

### (3) Total Annual Cost

When looking at the budgeted and non-budgeted expenditures for BCE, costs total approximately \$6 million.

**Table 6: Fiscal Year 2021-22 Budget Assumptions**

<b>Cost Type</b>	<b>FY20-21 Budget</b>	<b>Cost Adjustments</b>	<b>Total Adjusted Cost</b>
Governor's Budget and Cost Adjustments	\$5,090,000	(\$524,000)	\$4,566,000
Non-Budget Items		\$1,458,382	\$1,458,382
<b>Total Budgeted Costs</b>	<b>\$5,090,000</b>	<b>\$934,382</b>	<b>\$6,024,382</b>

The costs identified in the previous two subsections were used as the basis for the annual costs associated with BCE services.

## 4. User Fee Methodology

The Matrix Consulting Group utilizes a cost allocation methodology commonly known and accepted as the “bottom-up” approach to establishing User Fees. The term means that several cost components are calculated for each fee or service. These components then build upon each other to comprise the total cost for providing the service. The following chart describes the components of a full cost calculation:



The general steps utilized by the project team to determine allocations of cost components to a particular fee or service are:

- Calculate fully burdened hourly rates by position, including direct & indirect costs;
- Develop time estimates for each service included in the study;
- Distribute the appropriate amount of the other cost components to each fee or service based on the staff time allocation basis, or another reasonable basis.

The results of these allocations provide detailed documentation for the reasonable estimate of the actual cost of providing each service. The following subsections discuss the fully burdened hourly rates calculated and the time estimates utilized.

### 1 Fully Burdened Hourly Rates

The fully burdened hourly rates are one of the two key factors of the full cost calculated. The fully burdened hourly rates calculated through this study are comprised of the following key components:

- **Direct Cost:** This consists of the salaries, benefits, and productive hours associated with each position. The salaries and benefits are the actual salaries and benefits budgeted for each position at the BCE. The productive hours are a calculation to reduce the billable hours from 2,080 (standard full-time hours) to the hours which are available to be billed for. This includes reduction for items such as sick leave, vacation, holidays, meetings, breaks, and trainings. Based upon review of standardized vacation and holiday, the total productive hours calculated for staff are 1702.5 hours. The 1,702.5 hours represents a billable percentage of 81%, which is within the range typically seen for state agencies at 75-85%.

- **Supplies and Services Overhead:** This overhead refers to the non-personnel budgeted items for each program or division that are necessary for the employees to be productive. This includes costs such as general expenses, printing, communication, postage, training, facilities overhead, equipment, vehicle operations, etc. These costs are divided by the total productive hours for BCE to calculate the supplies and services overhead per hour.
- **Administrative Staff Support:** This consists of the costs associated with all personnel that support the billable staff. This includes the costs associated with managerial and clerical staff, as well as the non-billable time associated with fee-related staff. The BCE has a mandate that all costs are recovered through fees, as such these costs should be considered as overhead to fees. For purposes of the BCE the administrative staff allocated over fee-related activities include Staff Services Manager II, Management Services Technician, the Executive Officer, and portions of the Office Technician, Associate Government Program Analyst, and Seasonal Clerk.

Together these cost components result in fully burdened hourly rates, which are reflective of the total cost to the BCE for each position. It is important to note that this rate is NOT meant to be reflective of actual pay to Board staff, but rather reflects the cost associated with that employee, which includes salaries, benefits, supervisory support, services and supplies, and overall agencywide support. The fully burdened hourly rate is utilized in conjunction with time estimates to calculate the full cost of service.

## 2 Time Estimates

One of the key study assumptions utilized in the “bottom up” approach is the use of time estimates for the provision of each fee related service. Utilization of time estimates is a reasonable and defensible approach, especially since experienced staff members who understand service levels and processes unique to the City developed these estimates.

The project team worked closely with BCE staff in developing time estimates with the following criteria:

- Estimates are representative of average times for providing services. Estimates for extremely difficult or abnormally simple projects are not factored into this analysis.
- Estimates reflect the time associated with the position or positions that typically perform a service.
- Estimates provided by staff are reviewed and approved by line staff and management, and often involve multiple iterations before a Study is finalized.
- Estimates are reviewed by the project team for “reasonableness” against their experience with other agencies.

- Estimates were not based on time in motion studies, as they are not practical for the scope of services and time frame for this project.
- Estimates match the current or proposed staffing levels to ensure there is no over-allocation of staff resources to fee and non-fee related activities.

The Matrix Consulting Group agrees that while the use of time estimates is not perfect, it is the best alternative available for setting a standard level of service for which to base a jurisdiction's fees for service and meets the requirements of California law.

### 3 Cost Assumptions

Along with Fully Burdened Hourly Rates and Time Estimates, the total cost calculated for the licenses issued by the Board of BCE consists of three other cost components:

1. **Special Investigations:** The BCE has three (3) Special Investigators who provide field investigations and enforcement regarding any license holder violations. These are in-depth investigations and can result in court cases and licenses being revoked.
2. **Enforcement:** The BCE has approximately six (6) Full-time staff dedicated to Enforcement activities. These staff review and process complaints and research applicable laws to determine whether a violation was committed.
3. **Reserve:** It is a best management practice that an agency have a policy regarding reserves to ensure continuity of operations in the event of an unprecedented financial situation. The BCE has a policy of accumulating a reserve equal to 6 months of the operating budget. This reserve is intended to be accumulated over a period of 5 years.

These three cost components have been included as additional costs on top of the different license and permit categories to capture the full operating costs of the BCE. The following subsections show the cost calculation assumptions that have been utilized for these three categories.

#### (1) Special Investigations

As discussed, the BCE has three (3) full-time special investigator positions. The project team calculated the full cost of special investigations by taking the fully burdened hourly rate for Special Investigations (based upon the cost components discussed in Section 1 of this Chapter) and multiplying it by the total annual available hours for the Special Investigations staff. The following table shows this calculation:

**Table 7: Calculation of Annual Special Investigations Cost**

Position Title	# of FTE	Productive Hours Per FTE <sup>3</sup>	Annual Available Hours per FTE	Fully Burdened Hourly Rate	Annual Cost
Special Investigator	3.0	1,702.5	5,107.50	\$180.425	\$920,649

Based upon the number of FTE, the annual available hours, and the fully burdened hourly rate, the annual cost for Special Investigations is approximately \$921,000. The cost for Special Investigations was allocated to permits based upon the type of activity that is being investigated. Approximately 95% of this activity is related to general license holders, as such, 95% of this cost should be borne by annual license fees, with the remaining 5% spread over the remaining license types to account for investigative actions stemming from continuing education, corporation filings, and satellite certificates. The following table shows the total cost allocated to the different types of permits:

**Table 8: Allocation of Special Investigations Costs**

Annual Special Inv. Cost	Type of Activity	% of Support	Total Allocable Cost
\$920,649	All License Types	5%	\$46,032
	Renewals Only	95%	\$874,616

Based upon the proposed percentage of support, approximately \$875,000 of the costs are allocated to License Renewals. The costs associated with licenses were then calculated into a per license cost based upon the prior fiscal year's (FY21) workload. The following table shows the per license cost:

**Table 9: Allocation of Special Investigations Costs**

Type	Allocable Cost	Annual Workload	Cost / Permit
All License Types	\$38,920	9,433	\$5
Renewals Only	\$739,478	12,759	\$69

Based upon the calculation, \$5 is added to each license type and \$69 to the license renewal fee to help recover the costs associated with Special Investigations.

## (2) Enforcement

The BCE has several different staff positions dedicated to the Enforcement function. The project team calculated the full cost of Enforcement by taking the fully burdened hourly rate for Enforcement Staff (based upon the cost components discussed in Section 1 of this Chapter) and multiplying it by the total annual available hours for the Enforcement staff. The following table shows this calculation:

<sup>3</sup> As discussed in the fully burdened hourly rates section, the project team calculated the hours that staff can bill and be productive, which takes the 2,080 (40 hrs per week for 52 weeks) and reduces them by sick, vacation, and breaks.

**Table 10: Calculation of Annual Enforcement Staff Cost**

<b>Position Title</b>	<b># of FTE</b>	<b>Productive Hours Per FTE<sup>4</sup></b>	<b>Annual Available Hours per FTE</b>	<b>Fully Burdened Hourly Rate</b>	<b>Annual Cost</b>
Staff Services Manager	1.0	1,702.50	1,702.50	\$182	\$309,130
Associate Govt Program Analyst	3.0	1,702.50	4,396.50	\$165	\$814,578
Staff Services Analyst	1.0	1,702.50	1,702.50	\$154	\$262,304
Seasonal Clerk <sup>5</sup>	1.0	1,478.00	1,478.00	\$122	\$179,852
<b>TOTAL STAFF COST</b>					<b>\$1,565,864</b>

Based upon the number of FTE, the annual available hours, and the fully burdened hourly rate, the annual staff cost for Enforcement is approximately \$1.6 million. In addition to staff costs for enforcement there are other fixed costs such as Attorney General, Office of Administrative Hearings, and Evidence / Witness Fees. The following table shows these additional costs incorporated with the staff costs to calculate the total annual costs for enforcement:

**Table 11: Total Annual Enforcement Costs**

<b>Cost Category</b>	<b>Amount</b>
Enforcement Staff Cost	\$1,565,864
Attorney General	\$933,000
Office of Administrative Hearings	\$159,000
Evidence / Witness Fees	\$58,000
C&P Services – External	\$10,000
DCA Pro-Rata Enforcement	\$322,000
<b>TOTAL COSTS</b>	<b>\$3,047,864</b>

The total costs associated with Enforcement related activities are approximately \$3 million, with \$1.5 million associated with external enforcement activities. This cost for Enforcement was allocated to permits based upon the type of activity that is being enforced. Approximately 95% of this activity is related to general license holders, as such, approximately 95% of this cost should be borne by annual license fees. The remaining 5% accounts for enforcement issues borne out of actions relating to continuing education, corporation filings, and satellite certifications, and is spread over these license types. The following table then shows the total cost allocated to the different types of permits:

**Table 12: Allocation of Enforcement Costs by Permit Type**

<b>Annual Enforcement Cost</b>	<b>Type of Activity</b>	<b>% of Support</b>	<b>Total Allocable Cost</b>
\$3,047,864	All License Types	5%	\$152,393
	Renewals Only	95%	\$2,895,471

<sup>4</sup> As discussed in the fully burdened hourly rates section, the project team calculated the hours that staff can bill and be productive, which takes the 2,080 (40 hrs per week for 52 weeks) and reduces them by sick, vacation, and breaks.

<sup>5</sup> The Seasonal Clerk position works a maximum of 1,500 hours and it is assumed they receive approximately half of the holidays that agency staff receive in order to calculate their billable / productive hours.

Based upon the allocation of costs, approximately \$2.9 million of the costs relate to License Renewals. The costs associated with licenses were then calculated into a per license cost based upon the prior fiscal year's (FY 2020-21) workload. The following table shows the per license cost:

**Table 13: Allocation of Enforcement Costs per Permit**

Type	Allocable Cost	Annual Workload	Cost / Permit
All License Types	\$152,393	9,433	\$16
Renewals Only	\$2,895,471	12,759	\$227

Based upon the calculation, \$16 is added to each license type and \$227 to the license renewal fee to help recover the costs associated with Enforcement.

### (3) Reserve

The BCE has a policy that there should be a reserve based on 6 months of operating annual costs for the agency. However, it is not expected that this reserve would be accumulated in a singular year. As such, the reserve and its associated costs are calculated over a 5-year time frame. Similar to Special Investigations and Enforcement, the cost for reserve accumulation was based upon a per permit cost. However, as the reserve would be applicable to all permit types, there was no difference in allocation between the permit types. The following table shows the per permit calculation for the reserve:

**Table 14: Calculation of Reserve Cost Per Permit**

Category	Annual Cost	Annual Workload	Cost Per Permit
Annual Reserve Cost	\$597,870 <sup>6</sup>	22,192	\$27

Based upon the calculation, \$27 is added to each license type to help the agency accumulate a reserve that is equal to 6 months of operating costs over a 5-year period.

<sup>6</sup> The 5 year annual operating cost is \$6 million based upon a 2% inflation factor, and the 6 month reserve is \$3 million, which spread over 5 years results in an annual cost of \$597,870.

## 5. BCE Fee Study Results

The BCE is the regulatory agency that monitors and licenses chiropractic practitioners. The fees included in this analysis include application fees, renewal fees, continuing education, corporate registration, reciprocal licenses, and satellite licenses. The following subsections discuss modifications made to the fee schedule, the detailed per unit analysis, and the annual revenue impacts for fee-related services provided by the agency.

### 1 Fee Schedule Modifications

During discussions with BCE staff, it was determined that the current fee structure reflects services being provided, and complies with regulations regarding how fees can be applied and charged. Therefore, no modifications were made to the current fee structure.

### 2 Detailed Per Unit Results

The BCE collects flat fees for items such as continuing education providers, annual license applications, corporation licenses, restoration of licenses, reciprocal licenses, and satellite licenses. The total cost calculated for each service includes direct staff cost, services and supplies, administrative overhead, special investigations, enforcement, and reserve costs. The following table details the fee title / name, the current fee amount, the total cost, and surplus and / or deficit associated with each service:

**Table 15: BCE Cost Per Unit Results**

Fee Name	Current Fee	Total Cost Per Unit	Surplus / (Deficit) per Unit
Biennial continuing education provider renewal fee	\$56	\$118	(\$62)
Continuing education provider application fee	\$84	\$291	(\$207)
Continuing education course application fee	\$56	\$558	(\$502)
Corporation registration application fee	\$186	\$171	\$15
Corporation special report filing fee	\$31	\$98	(\$67)
Corporation renewal filing fee	\$31	\$62	(\$31)
Corporation duplicate certificate fee	\$50	\$70	(\$20)
Duplicate license fee	\$50	\$71	(\$21)
Initial license fee	\$186	\$137	\$49
License application fee	\$371	\$345	\$26
License certification / Out of state license verification	\$124	\$83	\$41
License renewal fee	\$313	\$336	(\$23)
Petition for early termination of probation or reduction of penalty fee	\$371	\$3,195	(\$2,824)

Fee Name	Current Fee	Total Cost Per Unit	Surplus / (Deficit) per Unit
Petition for reinstatement of a revoked license fee	\$371	\$4,185	(\$3,814)
Preceptor fee	\$31	\$72	(\$41)
Reciprocal license application fee	\$371	\$283	\$88
Referral service application fee	\$557	\$279	\$278
Satellite certificate application fee	\$62	\$69	(\$7)
Satellite certificate renewal fee	\$31	\$50	(\$19)
Satellite certificate replacement fee	\$50	\$71	(\$21)

As the table indicates, the majority of fees charged by BCE are under-recovering. The under-recovery ranges from a low of \$7 for the Satellite Certificate Application to a high of \$3,814 for the Petition for Reinstatement of a Revoked License. The over-recovery ranges from a low of \$15 for Corporation Registration Application to a high of \$278 for Referral Service Application. The average per unit cost recovery for BCE fees is approximately 75%.

### 3 Annual Results

In order to understand how the per unit results presented in the previous section impact the BCE revenue on an annual basis, workload for FY 2020-21 was collected. The project team compared annual revenue based on current fees to projected revenue based on BCE's full cost of providing services. This analysis indicates that BCE is under-recovering by approximately \$1.4 million. The following table shows by major category, the revenue at current fee, the annual cost, and the associated annual surplus / deficit:

**Table 16: Annual Cost Recovery Analysis - BCE**

Fee Category	Revenue at Current Fee	Total Annual Cost	Annual Surplus / (Deficit)
Continuing Education	\$113,820	\$1,109,988	(\$996,168)
Corporation	\$67,756	\$112,343	(\$44,587)
Licensing Fees	\$4,248,174	\$4,505,041	(\$256,867)
Petition Fees	\$3,339	\$28,757	(\$25,418)
Preceptor Fees	\$20,088	\$46,744	(\$26,656)
Reciprocal Fees	\$742	\$566	\$176
Satellite Fees	\$158,069	\$220,943	(\$62,874)
<b>TOTAL</b>	<b>\$4,611,988</b>	<b>\$6,024,382</b>	<b>(\$1,412,394)</b>

The largest source of subsidy at \$996,000 relates to continuing education. This subsidy relates to the current fee for continuing educating course application fee, which has a \$500 per unit subsidy. The next largest source of subsidy stems from the license renewal fee, which only has a per unit subsidy of \$23, but due to the sheer volume (12,759), generates approximately \$300,000 in subsidies.

## 6. Future Schedule Modifications

During review of the BCE fee structure, discussion of converting the Continuing Education Course Application fee from a flat rate to a per course hour rate occurred. The current flat fee associated with Continuing Education Course Applications is applied regardless of the length of a course. However, staff must conduct a thorough and intensive review of each proposed course hour. Therefore, those who submit applications for a 2 hour course pay the same fee as those who submit an application for a 10 hour course.

Due to current regulations regarding how BCE can charge fees for Continuing Education Course Application, a modification was not incorporated into the current fee analysis. However, the project team did calculate a per hour fee, should the Board decide to revise current regulations. The following table details the conversion of the flat course application fee to a per course hour fee.

**Table 17: Conversion of per Course Application Flat Fee to per Course Hour Fee**

<b>Component</b>	<b>Amount</b>
Calculated Full Cost – Per Application	\$558
Total Applications Processed	1,973
Total Course Hours	9,522
Average Course Hours per Application	4.83
<b>Full Cost Per Course Hour</b>	<b>\$116</b>

The full cost of processing a Continuing Education Course Application was calculated to be \$558. In FY 2020-21, the BCE processed 1,973 applications, reflecting 9,522 course hours, resulting in an average of 4.83 course hours per application. Therefore, the project team took the full cost of processing an application (\$558), and divided it by the average number of hours per course (4.83) to arrive at a per course hour fee of \$116.

Should the Board revise current regulations regarding how Course Application fees can be assessed, and choose to implement a per course hour fee, a fee of \$116 per hour would be sufficient to recover current costs.

## 7. Results and Findings

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The results of this study found that the BCE is under-recovering its costs by approximately \$1.4 million. The majority of this under-recovery relates to Continuing Education applications and permits. The information presented in this report, as well as provided to staff under separate cover, is meant to document current costs and services, and serve as a tool to be used by the BCE and its Board to adjust its fees.

The Board should use the findings of this report to adjust current fees to a level that is appropriate for its members, while also ensuring that enough revenue is generated to offset costs. Furthermore, the Board should also consider revising the current fee structure for Course Applications to be more equitable for the fee payer.

**Agenda Item #14  
December 16, 2021**

**Review, Discussion and Possible Action Regarding Sunset Review Report**

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**Purpose of the item**

This agenda item has been included to provide the Board with an opportunity to review the draft Sunset Review Report.

**Action(s) requested**

The Board will be asked to review and discuss the draft Sunset Review Report and provided edits as necessary.

**Background**

The Sunset Review process allows the Legislature to review the laws and regulations pertaining to a board and evaluate its programs and policies, to determine whether the board operates and enforces its regulatory responsibilities and is carrying out its statutory duties to protect California consumers.

**Recommendation(s)**

Staff recommends the Board review the draft report for accuracy and consistency with the Board's policies and objectives.

**Next Step**

Staff will incorporate the Board's recommended revisions and submit the final report to the legislature on or before January 5, 2022.

**Attachment(s)**

Draft 2022 Sunset Review Report

# **Board of Chiropractic Examiners**

## **BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM**

### **As of January 5, 2022**

#### **Section 1 –**

#### **Background and Description of the Board and Regulated Profession**

**Provide a short explanation of the history and function of the board.<sup>1</sup> Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).**

The Board of Chiropractic Examiners (“BCE” or the Board) was created on December 21, 1922, through an initiative measure approved by the electors of California on November 7, 1922. BCE regulates the chiropractic profession in California. BCE is committed to consumer safety and protects Californians from licensed and unlicensed individuals who engage in the fraudulent, negligent, or incompetent practice of chiropractic. BCE oversees approximately 12,500 licensees from 18 chiropractic schools and colleges located throughout the United States and one in Canada.

Governed by a seven-member board appointed by the Governor, the Board is comprised of five licensed doctors of chiropractic and two members who represent the public. Board members serve four-year terms.

BCE is comprised of three units. The Administrative/Licensing Unit is responsible for license application and renewal processing, continuing education, administrative, and policy functions. The other two units within BCE, the Enforcement Unit (EU) and the Field Investigations Unit (FIU), are responsible for enforcement functions. The EU handles complaint intake, conducts administrative investigations, recommends case dispositions to the executive officer and/or enforcement manager, including those to be forwarded to the Attorney General for disciplinary action, and issues letters of admonishment and citations with fines. The EU also monitors licensees placed on probation due to prior disciplinary action. The EU refers approximately 25% of complaints received to the FIU. The FIU’s non-sworn investigators conduct field administrative investigations.

#### **1. Describe the make-up and functions of each of the board’s committees (cf., Section 13, Attachment B).**

The Board has three standing committees. The Board Chair assigns two or three Board members to serve on each committee. Each committee selects a member to serve as chairperson. The chairperson coordinates the committee’s work, ensures progress toward BCE’s priorities, and presents reports at Board meetings.

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<sup>1</sup> The term “board” in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term “board” throughout this document to appropriately refer to the entity being reviewed.

## Licensing and Continuing Education Committee

This Committee proposes policies and standards regarding chiropractic colleges, doctors of chiropractic, satellite offices, corporation registration, and continuing education providers and courses.

## Enforcement and Scope of Practice Committee

This Committee proposes regulations, policies, and standards to ensure compliance with chiropractic laws and regulations. The Committee continuously seeks ways to improve BCE's Enforcement Program. The Committee also reviews and proposes positions on scope of practice issues.

## Government and Public Affairs Committee

This Committee proposes and reviews policies and procedures to address audit and Sunset Review deficiencies. It works directly with the Executive Officer and staff to monitor budget expenditures, trends and the Contingent Fund level. The Committee reviews and recommends positions on legislative bills that affect BCE and oversees all administrative issues regarding BCE operations. It also develops draft strategic plans and monitors BCE's progress in achieving its goals and objectives.

<b>Table 1a. Attendance</b>			
<b>Sergio Azzolino, D.C.</b>			
Year Appointed:	2012		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	July 29, 2016	San Francisco	Y
Board Meeting	August 29, 2016	Sacramento	Y
Board Meeting	October 14, 2016	San Diego	Y
Special Board Meeting	January 12, 2017	Sacramento	Y
Board Meeting	February 16, 2017	Los Angeles	Y
Board Meeting	May 16, 2017	Sacramento	Y
Special Board Meeting	June 14, 2017	Sacramento	Y
Enforcement Committee Meeting	July 19, 2017	Sacramento	Y
Board Meeting	July 25, 2017	Whittier	Y
Board Meeting	October 24, 2017	Hayward	Y
Special Board Meeting	January 31, 2018	Sacramento	Y
Enforcement Committee Meeting	February 8, 2018	Sacramento	Y
Board Meeting	February 22, 2018	Los Angeles	Y
Enforcement Committee Meeting	May 31, 2018	Sacramento	Y
Board Meeting	June 5, 2018	Sacramento	Y
Board Meeting	August 9, 2018	San Diego	Y
Enforcement Committee Meeting	October 10, 2018	Sacramento	Y
Board Meeting	November 8, 2018	Oakland	Y
Special Board Meeting	November 27, 2018	Sacramento	Y
Special Board Meeting	January 8, 2019	Sacramento	Y
Board Meeting	February 15, 2019	Sacramento	Y

Enforcement Committee Meeting	April 19, 2019	Sacramento	Y
Board Meeting	May 21, 2019	Whittier	Y
Board Meeting	July 25, 2019	San Diego	Y
Licensing & CE Committee Meeting	August 22, 2019	Sacramento	Y
Licensing & CE Committee Meeting	October 10, 2019	Sacramento	Y
Board Meeting	October 24, 2019	Oakland	Y
Board Meeting	January 7, 2020	Sacramento	Y
Special Board Meeting	February 18, 2020	Sacramento	Y
Board Meeting	April 16, 2020	Teleconference	Y
Board Meeting	June 4, 2020	Videoconference	Y
Board Meeting	July 16, 2020	Videoconference	Y
Enforcement Committee Meeting	October 16, 2020	Videoconference	Y
Board Meeting	October 29, 2020	Videoconference	Y
Special Board Meeting	December 11, 2020	Videoconference	Y
Board Meeting	January 28, 2021	Videoconference	Y

<b>Table 1a. Attendance</b>			
<b>Heather Dehn, D.C.</b>			
Year Appointed	2012		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Licensing/CE/PR Committee Meeting	July 11, 2016	Sacramento	Y
Board Meeting	July 29, 2016	San Francisco	Y
Special Board Meeting	August 29, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	August 30, 2016	Sacramento	Y
Board Meeting	October 14, 2016	San Diego	N
Special Board Meeting	January 12, 2017	Teleconference	Y
Board Meeting	February 16, 2017	Los Angeles	Y
Board Meeting	May 16, 2017	Sacramento	Y
Special Board Meeting	June 14, 2017	Teleconference	Y
Board Meeting	July 25, 2017	Whittier	Y
Licensing & CE Committee Meeting	October 6, 2017	Sacramento	Y
Board Meeting	October 24, 2017	Hayward	Y
Special Board Meeting	January 31, 2018	Sacramento	Y
Board Meeting	February 22, 2018	Los Angeles	Y
Government Affairs Committee Meeting	May 21, 2018	Sacramento	Y
Licensing & CE Committee Meeting	June 1, 2018	Sacramento	Y
Board Meeting	June 5, 2018	Sacramento	Y
Board Meeting	August 9, 2018	San Diego	Y
Licensing & CE Committee Meeting	September 25, 2018	Sacramento	Y
Board Meeting	November 8, 2018	Oakland	Y
Special Board Meeting	November 27, 2018	Sacramento	Y
Licensing & CE Committee Meeting	December 17, 2018	Sacramento	Y

Special Board Meeting	January 8, 2019	Sacramento	Y
Board Meeting	February 15, 2019	Sacramento	Y
Licensing & CE Committee Meeting	April 16, 2019	Sacramento	Y
Board Meeting	May 21, 2019	Whittier	Y
Licensing & CE Committee Meeting	June 28, 2019	Sacramento	Y
Board Meeting	July 25, 2019	San Diego	N
Licensing & CE Committee Meeting	August 22, 2019	Sacramento	Y
Licensing & CE Committee Meeting	October 10, 2019	Sacramento	Y
Board Meeting	October 24, 2019	Oakland	Y
Board Meeting	January 7, 2020	Sacramento	Y
Special Board Meeting	February 18, 2020	Sacramento	Y
Board Meeting	April 16, 2020	Teleconference	Y
Board Meeting	June 4, 2020	Videoconference	Y
Board Meeting	July 16, 2020	Videoconference	Y
Licensing & CE Committee Meeting	September 18, 2020	Videoconference	Y
Board Meeting	October 29, 2020	Videoconference	Y
Licensing & CE Committee Meeting	November 6, 2020	Videoconference	Y
Special Board Meeting	December 11, 2020	Videoconference	Y
Board Meeting	January 28, 2021	Videoconference	N

<b>Table 1a. Attendance</b>			
<b>Julie Elginer, DrPH</b>			
Year Appointed	2012		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Government Affairs Committee Meeting	July 14, 2016	Sacramento	Y
Board Meeting	July 29, 2016	San Francisco	Y
Special Board Meeting	August 29, 2016	Sacramento	Y
Government Affairs Committee Meeting	September 22, 2016	Sacramento	Y
Board Meeting	October 14, 2016	San Diego	Y
Special Board Meeting	January 12, 2017	Sacramento	Y
Board Meeting	February 16, 2017	Los Angeles	Y
Licensing/CE/PR Committee Meeting	May 1, 2017	Sacramento	Y
Board Meeting	May 16, 2017	Sacramento	N
Special Board Meeting	June 14, 2017	Teleconference	Y
Board Meeting	July 25, 2017	Whittier	Y
Licensing & CE Committee Meeting	October 6, 2017	Sacramento	Y
Board Meeting	October 24, 2017	Hayward	Y

<b>Table 1a. Attendance</b>			
<b>Frank Ruffino</b>			
Year Appointed	2012		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Government Affairs Committee Meeting	July 14, 2016	Sacramento	Y
Board Meeting	July 29, 2016	San Francisco	Y
Special Board Meeting	August 29, 2016	Teleconference	Y
Government Affairs Committee Meeting	September 22, 2016	Sacramento	Y
Board Meeting	October 14, 2016	San Diego	Y
Special Board Meeting	January 12, 2017	Sacramento	Y
Board Meeting	February 16, 2017	Los Angeles	Y
Board Meeting	May 16, 2017	Sacramento	Y
Special Board Meeting	June 14, 2017	Sacramento	Y
Government Affairs Committee Meeting	July 11, 2017	Sacramento	Y
Board Meeting	July 25, 2017	Whittier	Y
Special Board Meeting	October 24, 2017	Hayward	Y
Special Board Meeting	January 31, 2018	Sacramento	Y
Board Meeting	February 22, 2018	Los Angeles	Y
Board Meeting	June 5, 2018	Sacramento	Y
Board Meeting	August 9, 2018	San Diego	N
Enforcement Committee Meeting	October 10, 2018	Sacramento	Y
Board Meeting	November 8, 2018	Oakland	Y
Board Meeting	November 27, 2018	Sacramento	Y
Board Meeting	January 8, 2019	Sacramento	Y
Board Meeting	February 15, 2019	Sacramento	Y
Government Affairs Committee Meeting	March 26, 2019	Sacramento	Y
Enforcement Committee Meeting	April 19, 2019	Sacramento	Y
Board Meeting	May 21, 2019	Whittier	Y
Board Meeting	July 25, 2019	San Diego	Y
Government Affairs Committee Meeting	August 27, 2019	Sacramento	Y
Board Meeting	October 24, 2019	Oakland	Y
Board Meeting	January 7, 2020	Sacramento	Y
Special Board Meeting	February 18, 2020	Sacramento	N
Board Meeting	April 16, 2020	Teleconference	Y
Board Meeting	June 4, 2020	Videoconference	Y
Board Meeting	July 16, 2020	Videoconference	Y
Enforcement Committee Meeting	October 16, 2020	Videoconference	Y
Board Meeting	October 29, 2020	Videoconference	Y
Special Board Meeting	December 11, 2020	Videoconference	Y
Board Meeting	January 28, 2021	Videoconference	Y
Government Affairs Committee Meeting	April 13, 2021	Videoconference	Y
Board Meeting	April 22, 2021	Videoconference	Y
Board Meeting	May 20, 2021	Videoconference	Y

Board Meeting	June 4, 2021	Videoconference	Y
Government Affairs Committee Meeting	June 28, 2021	Videoconference	Y
Board Meeting	July 16, 2021	Videoconference	Y

<b>Table 1a. Attendance</b>			
<b>Dionne McClain, D.C.</b>			
Year Appointed	2014		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Licensing/CE/PR Committee Meeting	July 11, 2016	Sacramento	Y
Board Meeting	July 29, 2016	San Francisco	Y
Special Board Meeting	August 29, 2016	Teleconference	Y
Licensing/CE/PR Committee Meeting	August 30, 2016	Sacramento	Y
Board Meeting	October 14, 2016	San Diego	Y
Special Board Meeting	January 12, 2017	Teleconference	Y
Board Meeting	February 16, 2017	Los Angeles	Y
Licensing/CE/PR Committee Meeting	May 1, 2017	Sacramento	Y
Board Meeting	May 16, 2017	Sacramento	Y
Special Board Meeting	June 14, 2017	Teleconference	Y
Board Meeting	July 25, 2017	Whittier	Y
Licensing & CE Committee Meeting	October 6, 2017	Sacramento	Y
Board Meeting	October 24, 2017	Hayward	Y
Special Board Meeting	January 31, 2018	Sacramento	Y
Board Meeting	February 22, 2018	Los Angeles	Y
Enforcement Committee Meeting	May 31, 2018	Sacramento	Y
Licensing & CE Committee Meeting	June 1, 2018	Sacramento	Y
Board Meeting	June 5, 2018	Sacramento	N
Board Meeting	August 9, 2018	San Diego	Y
Licensing & CE Committee Meeting	September 25, 2018	Sacramento	Y
Board Meeting	November 8, 2018	Oakland	Y
Board Meeting	November 27, 2018	Sacramento	Y
Licensing & CE Committee Meeting	December 17, 2018	Sacramento	Y
Special Board Meeting	January 8, 2019	Sacramento	Y
Board Meeting	February 15, 2019	Sacramento	N
Licensing & CE Committee Meeting	April 16, 2019	Sacramento	Y
Board Meeting	May 21, 2019	Whittier	Y
Licensing & CE Committee Meeting	June 28, 2019	Sacramento	Y
Board Meeting	July 25, 2019	San Diego	Y
Board Meeting	October 24, 2019	Oakland	Y
Board Meeting	January 7, 2020	Sacramento	Y
Special Board Meeting	February 18, 2020	Sacramento	Y
Board Meeting	April 16, 2020	Teleconference	Y
Board Meeting	June 4, 2020	Videoconference	Y
Board Meeting	July 16, 2020	Videoconference	Y

Licensing & CE Committee Meeting	September 18, 2020	Videoconference	Y
Board Meeting	October 29, 2020	Videoconference	Y
Licensing & CE Committee Meeting	November 6, 2020	Videoconference	Y
Special Board Meeting	December 11, 2020	Videoconference	Y
Board Meeting	January 28, 2021	Videoconference	Y
Licensing & CE Committee Meeting	March 25, 2021	Videoconference	Y
Board Meeting	April 22, 2021	Videoconference	Y
Board Meeting	May 20, 2021	Videoconference	Y
Board Meeting	June 4, 2021	Videoconference	Y
Licensing & CE Committee Meeting	May 7, 2021	Videoconference	Y
Licensing & CE Committee Meeting	June 17, 2021	Videoconference	Y
Board Meeting	July 16, 2021	Videoconference	Y
Board Meeting	November 22, 2021	Videoconference	Y

<b>Table 1a. Attendance</b>			
<b>John Roza, Jr. D.C.</b>			
Year Appointed	2014		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	July 29, 2016	San Francisco	Y
Special Board Meeting	August 29, 2016	Sacramento	Y
Government Affairs Committee Meeting	September 22, 2016	Sacramento	Y
Board Meeting	October 14, 2016	San Diego	Y
Special Board Meeting	January 12, 2017	Teleconference	Y
Board Meeting	February 16, 2017	Los Angeles	Y
Board Meeting	May 16, 2017	Sacramento	Y
Special Board Meeting	June 14, 2017	Teleconference	Y
Enforcement Committee Meeting	July 19, 2017	Sacramento	Y
Board Meeting	July 25, 2017	Whittier	N
Board Meeting	October 24, 2017	Hayward	Y
Special Board Meeting	January 31, 2018	Sacramento	Y
Enforcement Committee Meeting	February 8, 2018	Sacramento	Y

<b>Table 1a. Attendance</b>			
<b>Corey Lichtman, D.C.</b>			
Year Appointed	2014		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Licensing/CE/PR Committee Meeting	July 11, 2016	Sacramento	Y
Board Meeting	July 29, 2016	San Francisco	Y
Special Board Meeting	August 29, 2016	Sacramento	Y
Licensing/CE/PR Committee Meeting	August 30, 2016	Sacramento	Y
Board Meeting	October 14, 2016	San Diego	Y

Special Board Meeting	January 12, 2017	Teleconference	Y
Board Meeting	February 16, 2017	Los Angeles	Y
Board Meeting	May 16, 2017	Sacramento	Y
Special Board Meeting	June 14, 2017	Teleconference	Y
Government Affairs Committee Meeting	July 11, 2017	Sacramento	Y
Board Meeting	July 25, 2017	Whittier	Y
Board Meeting	October 24, 2017	Hayward	Y
Special Board Meeting	January 31, 2018	Sacramento	Y
Board Meeting	February 22, 2018	Los Angeles	Y
Government Affairs Committee Meeting	May 21, 2018	Sacramento	Y
Board Meeting	June 5, 2018	Sacramento	Y
Board Meeting	August 9, 2018	San Diego	Y
Board Meeting	November 8, 2018	Oakland	Y
Board Meeting	November 27, 2018	Sacramento	Y
Special Board Meeting	January 8, 2019	Sacramento	Y
Government Affairs Committee Meeting	March 26, 2019	Sacramento	Y
Board Meeting	May 21, 2019	Whittier	Y
Board Meeting	July 25, 2019	San Diego	Y
Government Affairs Committee Meeting	August 27, 2019	Sacramento	Y
Board Meeting	October 24, 2019	Oakland	Y
Board Meeting	January 7, 2020	Sacramento	Y

<b>Table 1a. Attendance</b>			
<b>Thyonne Gordon, DrPH</b>			
Year Appointed	2018		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	August 9, 2018	San Diego	Y
Board Meeting	November 8, 2018	Oakland	Y
Board Meeting	November 27, 2018	Oakland	N
Special Board Meeting	January 8, 2019	Sacramento	Y

<b>Table 1a. Attendance</b>			
<b>David Paris, D.C.</b>			
Year Appointed	2018		
Meeting Type	Meeting Date	Meeting Location	Attended?
Special Board Meeting	January 8, 2019	Sacramento	Y
Board Meeting	February 15, 2019	Sacramento	Y
Licensing & CE Committee Meeting	April 16, 2019	Sacramento	Y
Enforcement Committee Meeting	April 19, 2019	Sacramento	Y
Board Meeting	May 21, 2019	Whittier	Y
Licensing & CE Committee Meeting	June 28, 2019	Sacramento	Y
Board Meeting	July 25, 2019	San Diego	Y

Licensing & CE Committee Meeting	August 22, 2019	Sacramento	Y
Licensing & CE Committee Meeting	October 10, 2019	Sacramento	Y
Board Meeting	October 24, 2019	Oakland	Y
Board Meeting	January 7, 2020	Sacramento	Y
Special Board Meeting	February 18, 2020	Sacramento	Y
Board Meeting	April 16, 2020	Teleconference	Y
Board Meeting	June 4, 2020	Videoconference	Y
Board Meeting	July 16, 2020	Videoconference	Y
Licensing & CE Committee Meeting	September 18, 2020	Videoconference	Y
Enforcement Committee Meeting	October 16, 2020	Videoconference	Y
Board Meeting	October 29, 2020	Videoconference	Y
Licensing & CE Committee Meeting	November 6, 2020	Videoconference	Y
Special Board Meeting	December 11, 2020	Videoconference	Y
Board Meeting	January 28, 2021	Videoconference	Y
Board Meeting	April 22, 2021	Videoconference	Y
Licensing & CE Committee Meeting	May 7, 2021	Videoconference	Y
Board Meeting	May 20, 2021	Videoconference	Y
Board Meeting	June 4, 2021	Videoconference	Y
Licensing & CE Committee Meeting	June 17, 2021	Videoconference	Y
Board Meeting	July 16, 2021	Videoconference	Y
Board Meeting	November 22, 2021	Videoconference	Y
Enforcement Committee Meeting	December 3, 2021	Videoconference	Y

<b>Table 1a. Attendance</b>			
<b>Laurence Adams, D.C.</b>			
Year Appointed	2020		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	October 29, 2020	Videoconference	Y
Special Board Meeting	December 11, 2020	Videoconference	Y
Board Meeting	January 28, 2021	Videoconference	Y
Licensing & CE Committee Meeting	March 25, 2021	Videoconference	Y
Board Meeting	April 22, 2021	Videoconference	Y
Licensing & CE Committee Meeting	May 7, 2021	Videoconference	Y
Board Meeting	May 20, 2021	Videoconference	Y
Board Meeting	June 4, 2021	Videoconference	Y
Licensing & CE Committee Meeting	June 17, 2021	Videoconference	Y
Board Meeting	July 16, 2021	Videoconference	Y
Board Meeting	November 22, 2021	Videoconference	N
Enforcement Committee Meeting	December 3, 2021	Videoconference	Y

<b>Table 1a. Attendance</b>			
<b>Rafael Sweet</b>			
Year Appointed	2021		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Government Affairs Committee Meeting	April 13, 2021	Videoconference	Y
Board Meeting	April 22, 2021	Videoconference	Y
Board Meeting	May 20, 2021	Videoconference	Y
Board Meeting	June 4, 2021	Videoconference	Y
Government Affairs Committee Meeting	June 28, 2021	Videoconference	Y
Board Meeting	July 16, 2021	Videoconference	Y
Board Meeting	November 22, 2021	Videoconference	Y
Enforcement Committee Meeting	December 3, 2021	Videoconference	Y

<b>Table 1a. Attendance</b>			
<b>Janette N.V. Cruz</b>			
Year Appointed	2021		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	November 22, 2021	Videoconference	Y

<b>Table 1a. Attendance</b>			
<b>Pamela J. Daniels, D.C.</b>			
Year Appointed	2021		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	November 22, 2021	Videoconference	Y

<b>Table 1b. Board/Committee Member Roster</b>					
<b>Member Name (Include Vacancies)</b>	<b>Year First Appointed</b>	<b>Year Re- appointed</b>	<b>Year Term Expires</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
Sergio Azzolino, D.C.	2012	2016	2020	Governor	Professional
Heather Dehn, D.C.	2012	2016	2020	Governor	Professional
Julie Elginer, DrPH	2012	2012	2016	Governor	Public
Frank Ruffino	2012	2016	2020	Governor	Public
Corey Lichtman, D.C.	2014	2015	2019	Governor	Professional
Dionne McClain, D.C.	2014	2018	2022	Governor	Professional
John Roza, D.C.	2014	N/A	2018	Governor	Professional
Thyonne Gordon, DrPH	2018*	N/A	2022	Governor	Public
David Paris, D.C.	2018	N/A	2022	Governor	Professional
Laurence Adams, D.C.	2020	N/A	2024	Governor	Professional
Rafael Sweet	2021	N/A	2024	Governor	Public
Janette N.V. Cruz	2021	N/A	2024	Governor	Public
Pamela J. Daniels, D.C.	2021	N/A	2024	Governor	Public

Vacancy	2021**				
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\*Appointed August 2018 and separated February 2019

\*\*Vacant since February 3, 2021

**2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?**

Yes, the Board was unable to hold its September 23, 2021 board meeting after two of the five sitting board members had unexpected conflicts that prevented them from being able to attend the meeting. As a result, the Board had to cancel the meeting due to a lack of quorum. This cancellation required the Board to reschedule hearings regarding petitions for reinstatement of revoked licenses, which negatively impacted the petitioners and their legal counsel, the Attorney General's office, and the Office of Administrative Hearings.

**3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:**

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

Appointment of New Board Members

Since the last review, six new members were appointed to the Board. Governor Brown appointed David Paris, D.C. and Frank Ruffino, a public member. Governor Newsom appointed Laurence Adams, D.C. and Pamela J. Daniels, D.C., and public members Janette N.V. Cruz and Rafael Sweet.

Change in Leadership

BCE's former Executive Officer, Robert Puleo, recently retired effective December 30, 2021, after 31 years of state service. Mr. Puleo had served as executive officer since November 2009. Recruitment efforts are currently underway to search for and select a new BCE executive officer.

Office Relocation

On December 1, 2021, BCE relocated from its downtown Sacramento office space to a suite within the Department of Consumer Affairs ("DCA" or the Department) headquarters building in Natomas. The office move resulted in a cost savings of approximately \$1,600 per month and provides BCE with convenient access to all DCA resources and services.

Business Modernization

BCE has been collaborating with three other programs and the Department's Office of Information Services on the development and implementation of a new application, licensing, and enforcement system known as "Connect". Through four phased software releases from September 2020 through November 2021, BCE implemented these functions:

- Initial license applications;
- License renewals;
- Address changes and cancellations of satellite certificates;

- Online payment for all other paper applications;
- An online complaint form for consumers; and
- Complaint intake, investigation, cite and fine, discipline, and probation monitoring processes.

### Enforcement Expert Witness Program

The Enforcement Committee worked with staff to enhance BCE's expert witness selection criteria, standards, process, training materials, and application. Staff also compiled a sample case and obtained sample reports from three experts, and plans to use this information to create an expert report template and as a baseline to evaluate the writing samples that will be submitted by applicants. On January 3, 2022, BCE began the recruitment process for additional expert witnesses for its Enforcement Program and plans to finalize the selections, execute contracts with selected applicants, and conduct a training session in spring 2022.

### Strategic Plan

The Board typically completes a strategic plan every three years. In October 2016, the Board adopted its 2017-2019 Strategic Plan. Due to multiple Board member vacancies and the ongoing COVID-19 pandemic, which shifted resources from DCA's Office of Strategic Organization, Leadership, and Individual Development (SOLID) to online meeting facilitation, BCE had to postpone the development of its 2020-2022 strategic plan. Now that the Board is almost fully appointed and SOLID's strategic planning facilitation services have resumed, BCE plans to conduct its next strategic planning session in May 2022.

- **All legislation sponsored by the board and affecting the board since the last sunset review.**

**Assembly Bill (AB) 1706 (Business and Professions Committee, Chapter 454, Statutes of 2017)** extended the sunset date of the Board of Occupational Therapy, the Physical Therapy Board, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to January 1, 2022, and allows the Legislature to conduct a review of the Board of Chiropractic Examiners.

**Senate Bill (SB) 547 (Hill, Chapter 429, Statutes of 2017)** made numerous noncontroversial and substantive changes to a number of boards and bureaus including the Board of Chiropractic Examiners. Specifically, this bill temporarily raised renewal fees for BCE licensees to \$300 and sunset on January 1, 2019. This bill also required BCE to submit a legislative report by July 1, 2018, regarding the status of its fee audit, an update on restructuring of fees, and other related items.

**AB 1659 (Low, Chapter 249, Statutes of 2018)** clarified issues relating to inactive licenses, including: 1) prohibiting a licensee with an inactive license from representing that he or she has an active license; 2) authorizing a healing arts board to establish a lower renewal fee for an inactive license; and 3) reorganizing existing provisions of law without substantive change.

**AB 2138 (Chiu, Chapter 995, Statutes of 2018)** restricts the discretion of programs within the Department of Consumer Affairs in using prior criminal history as grounds for licensing determinations and established new prohibitions relating to the denial, suspension, and revocation

of licensure. Under this bill, programs may not use acts involving dishonesty, fraud, or deceit that did not result in a conviction as a basis for the denial of a license. Other revisions included the adoption of a seven-year limitation on convictions eligible for licensure denial, subject to specified exemptions, and a ban on requiring applicants to self-disclose prior convictions unless the application is made for a listed license type that does not require a fingerprint background check. Finally, this bill requires Department programs, as specified, to track data relating to licensure denials, publish that data on its website, and submit an annual report to the Legislature, among other provisions.

**SB 1448 (Hill, Chapter 570, Statutes of 2018)** requires licensees of the Medical Board of California, Board of Podiatric Medicine, Osteopathic Medical Board of California, Naturopathic Medicine Committee, California Acupuncture Board, and Board of Chiropractic Examiners to make a separate disclosure to their patients or patients' guardian if licensees are on probation related to their professional license. This bill also requires increased reporting of licensee information on the websites of the affected boards.

**SB 1480 (Hill, Chapter 571, Statutes of 2018)** codified the Board of Chiropractic Examiners' new fee schedule into section 1006.5 of the Business and Professions Code, where all of the Board's fees can be easily found.

**AB 1076 (Ting, Chapter 578, Statutes of 2019)** requires the Department of Justice (DOJ), as of January 1, 2021, to review its criminal justice databases on a monthly basis and identify persons who are eligible to have certain arrests and convictions sealed, as specified. The bill requires the DOJ to grant relief to an eligible person without requiring the eligible person to file a petition for such relief.

**SB 425 (Hill, Chapter 849, Statutes of 2019)** requires health care facilities who receive allegations, written by patients or their representatives, accusing healing arts licensees of sexual abuse or misconduct to report the allegations to the relevant licensing agency. It also makes several changes to the Medical Board of California processes including probationary license disclosure requirements, interview attendance requirements, and licensee file disclosure requirements.

**SB 601 (Morrel, Chapter 854, Statutes of 2019)** allows state licensing entities, including the Department's programs, to reduce or waive licensing fees for people or businesses who have been displaced or affected by a proclaimed or declared emergency in the previous year. Licensing fees include those for certificates, registrations, or other documents required to engage in business, and also applies to fees for renewal or replacement of a physical license for display.

**AB 2113 (Low, Chapter 186, Statutes of 2020)** requires DCA boards and bureaus to expedite the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa, as specified. This law also allows boards and bureaus to assist these applicants during the initial licensure process. This law further specifies that persons applying for expedited licensure will still be required to meet all applicable statutory and regulatory licensure requirements.

**AB 2520 (Chiu, Chapter 101, Statutes of 2020)** prohibits, among other things, a health care provider from charging a fee to a patient for filling out forms or providing information responsive to forms that support a claim or appeal regarding eligibility for a public benefit program. The bill requires the health care provider to provide information responsive to those portions of the form

for which the health care provider has the information necessary to provide a medical opinion, as specified. The bill authorizes a health care provider to honor a request to disclose a patient record or complete a public benefit form that contains the written or electronic signature of the patient or the patient's personal representative.

**SB 878 (Jones, Chapter 131, Statutes of 2020)** requires each DCA board and bureau that issues licenses to prominently display on their websites each quarter either the current average timeframe for processing initial and renewal license applications, or the combined current average timeframe for processing both initial and renewal license applications, beginning July 1, 2021. This law also requires each board or bureau to post quarterly on their websites either the current average processing timeframe for each licensing type administered by the program, or the combined current average timeframe for processing all license types administered by the program.

**SB 1474 (Business, Professions & Economic Development Committee, Chapter 312, Statutes of 2020)**, among other things, extends the operations for the following DCA programs until January 1, 2023: Board of Chiropractic Examiners, Naturopathic Medicine Committee, Board of Occupational Therapy, Respiratory Care Board, and Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

- **All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.**

#### **Regulations Promulgated by BCE**

**Application for Licensure (California Code of Regulations [CCR], Title 16, Sections 321 and 364; Effective October 1, 2018 – Mandated by the Legislature):** This regulation amended BCE's application for licensure to comply with AB 1588 (Atkins, Chapter 742, Statutes of 2012), AB 1904 (Block, Chapter 399, Statutes of 2012), AB 258 (Chavez, Chapter 227, Statutes of 2013), AB 1057 (Medina, Chapter 693, Statutes of 2013), SB 1159 (Lara, Chapter 752, Statutes of 2014), and SB 1226 (Correa, Chapter 657, Statutes of 2014). The revisions assist BCE in identifying past or present members of the military and their spouses in order to expedite the licensure process for these individuals. Additionally, the regulation amended the continuing education (CE) regulations for consistency with the provisions of Business and Professions Code (BPC) section 114.3 to waive renewal fees, CE requirements, and other requirements for active duty members of the United States military. Also, the regulation allows BCE to award up to 16 hours of CE credit to licensees who participate in the review and revision of the California Chiropractic Law Examination.

**Expedited Licensure and Application Requirements (CCR, Title 16, Section 321; Effective September 10, 2021 – Mandated by the Legislature):** This regulation amended BCE's application for licensure to comply with AB 2113. The revisions assist BCE in identifying applicants who are refugees, have been granted asylum, or have a special immigrant visa, and expedites the licensure process for these individuals. Additionally, the regulation included minor changes to provide applicants with clarity regarding application requirements.

**Denial of Application, Revocation, or Suspension of Licensure (CCR, Title 16, Sections 316.5, 326, and 327; Effective November 22, 2021 – Mandated by the Legislature):** This regulation conforms to the intent of AB 2138, which limits BCE's discretion in using prior criminal

convictions and underlying acts as grounds for licensing determinations and establishes new prohibitions related to the denial, suspension, and revocation of licensure.

### **Proposed Regulations:**

**Approval of Chiropractic Schools and Educational Requirements (CCR, Title 16, Sections 330-331.16):** This regulatory proposal will amend curriculum standards to ensure chiropractic colleges are aligned with the metrics identified by the accrediting body, the Council on Chiropractic Education, as well as eliminating any unduly prescriptive content that could be restrictive to the evolving nature of higher education. BCE plans to notice this package in FY 2022/23.

**Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee:** This regulatory proposal will amend BCE's minimum record keeping requirements to specify the retention period and disposition of patient records.

**Consumer Protection Enforcement Initiative (CPEI):** This regulatory proposal will add or amend 12 sections of BCE's regulations to establish stricter reporting and disclosure requirements for licensees and applicants and increase BCE's enforcement authority. BCE staff has been working on the CPEI regulation package and has determined that additional changes are necessary to portions of the proposed language prior to proceeding with the regulatory process. To expeditiously move this proposal forward, BCE is dividing it into six smaller regulation packages grouped by general topic. BCE staff plans to work with DCA Regulations Unit legal counsel to develop and update proposed language for each of the regulation packages and present them to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2022.

**Continuing Education Requirements and Mandatory Cardiopulmonary Resuscitation (CPR) Certification for All Licensees (CCR, Title 16, Sections 363,1-366):** This regulatory proposal will establish minimum requirements for CE providers, establish parameters for CE course approvals, and mandate CPR certification for all licensees. This proposal is currently under development.

**Delegation of Authority to the Assistant Executive Officer and Citation Program (CCR, Title 16, Sections 306, 389, 390, 390.3, 390.4, and 390.5):** This regulatory proposal will delegate to the Assistant Executive Officer the authority to expedite enforcement and administrative functions on behalf of the Executive Officer. Additionally, this proposal will ensure consistency with BPC section 125.9 regarding BCE's citation program and criteria established for evaluating compliance with a citation and order of abatement. BCE plans to notice this package in FY 2022/23.

**Disciplinary Guidelines and Uniform Standards for Substance Abusing Licensees:** BCE staff has been developing a regulatory proposal to update the *Disciplinary Guidelines and Model Disciplinary Orders* and implement the Uniform Standards for Substance Abusing Licensees, and has determined that additional changes are necessary prior to proceeding with the regulatory process. Staff plans to collaborate with DCA Regulations Unit legal counsel to make necessary updates and revisions to BCE's *Disciplinary Guidelines* and present proposed language to amend CCR, title 16, section 384, incorporate the revised *Disciplinary Guidelines* by reference, and implement the Uniform Standards to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2022.

#### **4. Describe any major studies conducted by the board (cf. Section 13, Attachment C).**

##### Occupational Analysis of the Chiropractor Profession – March 2017

BCE, in collaboration with the Department's Office of Professional Examination Services (OPES) conducted an occupational analysis to identify critical job activities performed by California licensed chiropractors. The occupational analysis was part of BCE's comprehensive review of chiropractic practice in California. The purpose of the occupational analysis was to define practice for chiropractors in California in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure. The results of this occupational analysis provide a description of practice for the profession that can then be used as the basis for the licensing examination in California.

BCE selected California licensed chiropractors to participate as subject matter experts (SMEs) during various phases of the occupational analysis. These SMEs were selected from a broad range of practice settings, geographic locations, and experience backgrounds. The SMEs provided information regarding the different aspects of current chiropractor practice during the development phase of the occupational analysis, and they participated in workshops to review the content of task and knowledge statements for technical accuracy prior to administration of the occupational analysis questionnaire. Following administration of the occupational analysis questionnaire, groups of SMEs were convened at OPES to review the questionnaire results, finalize the description of practice, and develop the preliminary examination plan for the California Chiropractic Law Examination.

##### BCE Fee Study – December 2021

BCE's current budget is structurally imbalanced and BCE's expenditures continue to outpace the revenue received. Without an increase in revenue, BCE is projected to have a 0.7 month reserve balance at the end of FY 2022/23 and will become insolvent by FY 2023/24.

In order to substantiate budget concerns and provide a factual basis for any future increase in fees charged to licensees, BCE contracted with Matrix Consulting Group to conduct a fee audit to assess the current fees charged by BCE and determine what the fees should be based upon the actual workload incurred by staff. Following their study of BCE, Matrix concluded that BCE is under-recovering its costs by approximately \$1.4 million and the majority of these costs relate to CE applications.

#### **5. List the status of all national associations to which the board belongs.**

BCE is a member of the Association of Chiropractic Board Administrators, Federation of Chiropractic Licensing Boards (FCLB), and National Board of Chiropractic Examiners (NBCE).

- **Does the board's membership include voting privileges?**

Yes.

- **List committees, workshops, working groups, task forces, etc., on which the board participates.**

One Board member attends NBCE's annual Test Committee Meeting. The purpose of this committee meeting is to select clinical cases and test questions for the biannual administrations for Part IV Practical Examinations.

- **How many meetings did board representative(s) attend? When and where?**

During past four fiscal years, Board representatives attended the following five meetings:

- April 2016 NBCE/FCLB Annual Meeting (Phoenix, Arizona) – One Board Member
  - May 2017 NBCE/FCLE Annual Meeting (Orlando, Florida) – Board Chair and Executive Officer
  - September 2018 NBCE/FCLB District Meeting (Palm Springs) – Board Chair and Executive Officer
  - May 2019 NBCE/FCLB Annual Meeting (San Diego) – Two Board Members and Executive Officer
  - May 2021 NBCE/FCLB Annual Meeting (Virtual) – Two Board Members
- **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

DCA boards and bureaus are required to ensure that examination programs being used in the California licensure process comply with psychometric and legal standards. BCE requested that DCA's Office of Professional Examination Services (OPES) complete a comprehensive review of the National Board of Chiropractic Examiners (NBCE) examination program. The purpose of the OPES review was to evaluate the suitability of the NBCE examinations for continued use in California.

OPES received and reviewed documents provided by NBCE. The NBCE examination program consists of the following five examinations: Part I, Part II, Part III, Part IV, and Physiotherapy. Follow-up email and phone communications were held to clarify the procedures and practices used to validate and develop the NBCE examinations. A comprehensive evaluation of the documents was made to determine whether the following NBCE examination components met professional guidelines and technical standards: (a) occupational analysis; (b) examination development; (c) passing scores; (d) test administration; (e) examination scoring and performance; (f) information available to candidates; and (g) test security procedures. OPES found the procedures used to establish and support the validity and defensibility of the NBCE examination program components listed above meet professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing (2014)* and BPC section 139.

In addition, one Board member attends NBCE's annual Test Committee Meeting. The purpose of this committee meeting is to select clinical cases and test questions for the biannual administrations for Part IV Practical Examinations.

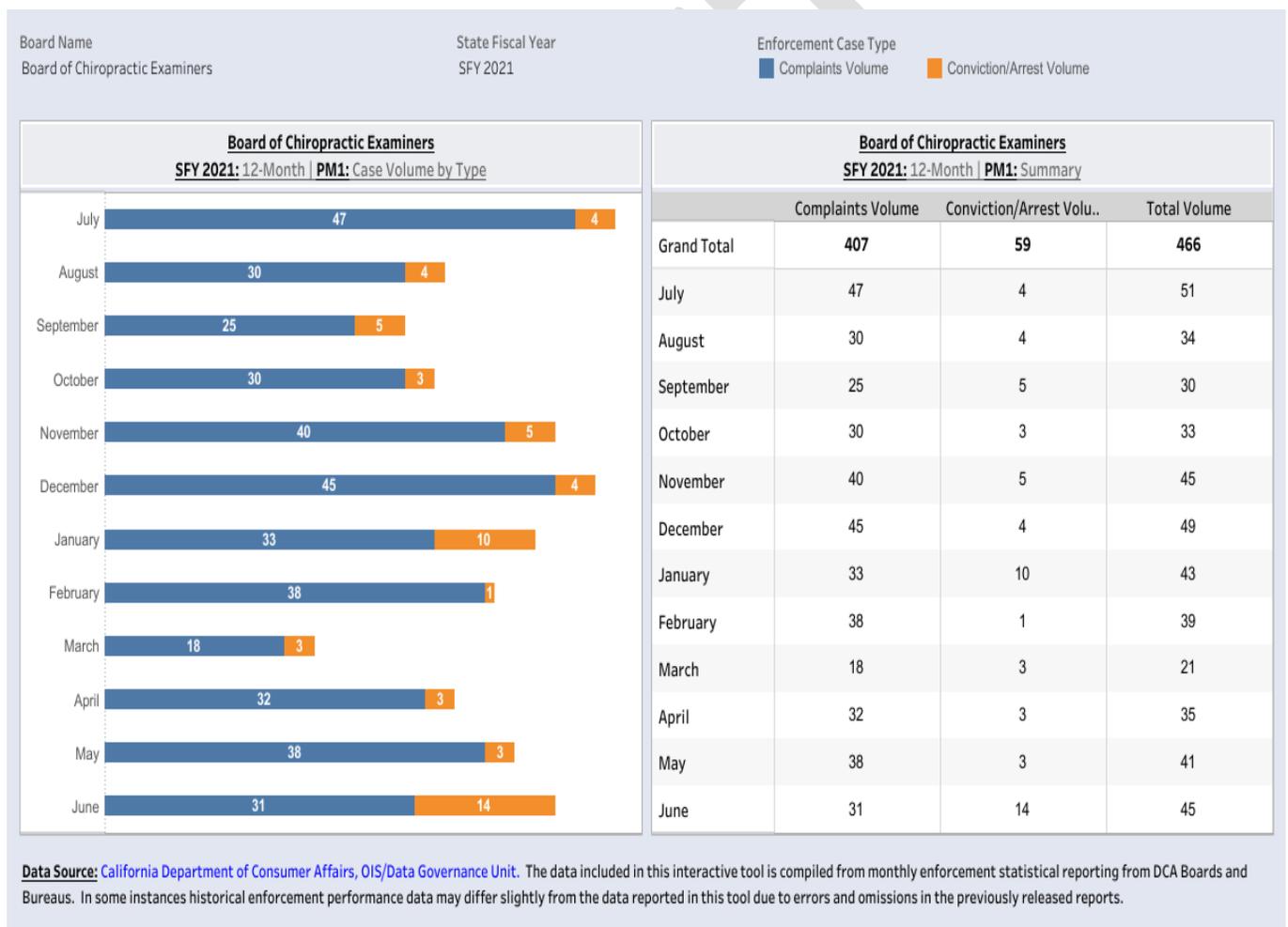
## Section 2 – Performance Measures and Customer Satisfaction Surveys

### 6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.

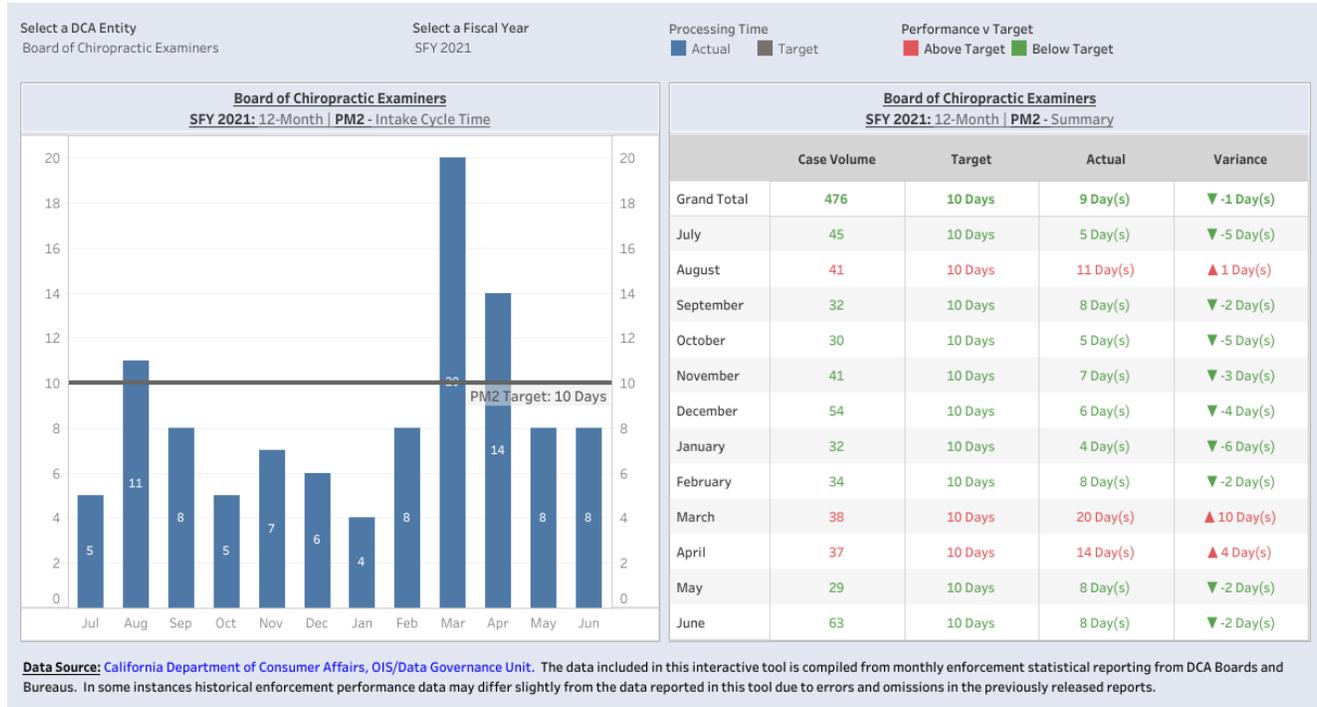
The quarterly and annual Enforcement Performance Measure reports and annual Licensing Performance Measure reports published by the Department of Consumer Affairs for FYs 2017/18, 2018/19, 2019/20, and 2020/21 are included in Section 13, Attachment E. Below are the annual reports for FY 2020/21.

#### Enforcement Performance Measures FY 2020/2021:

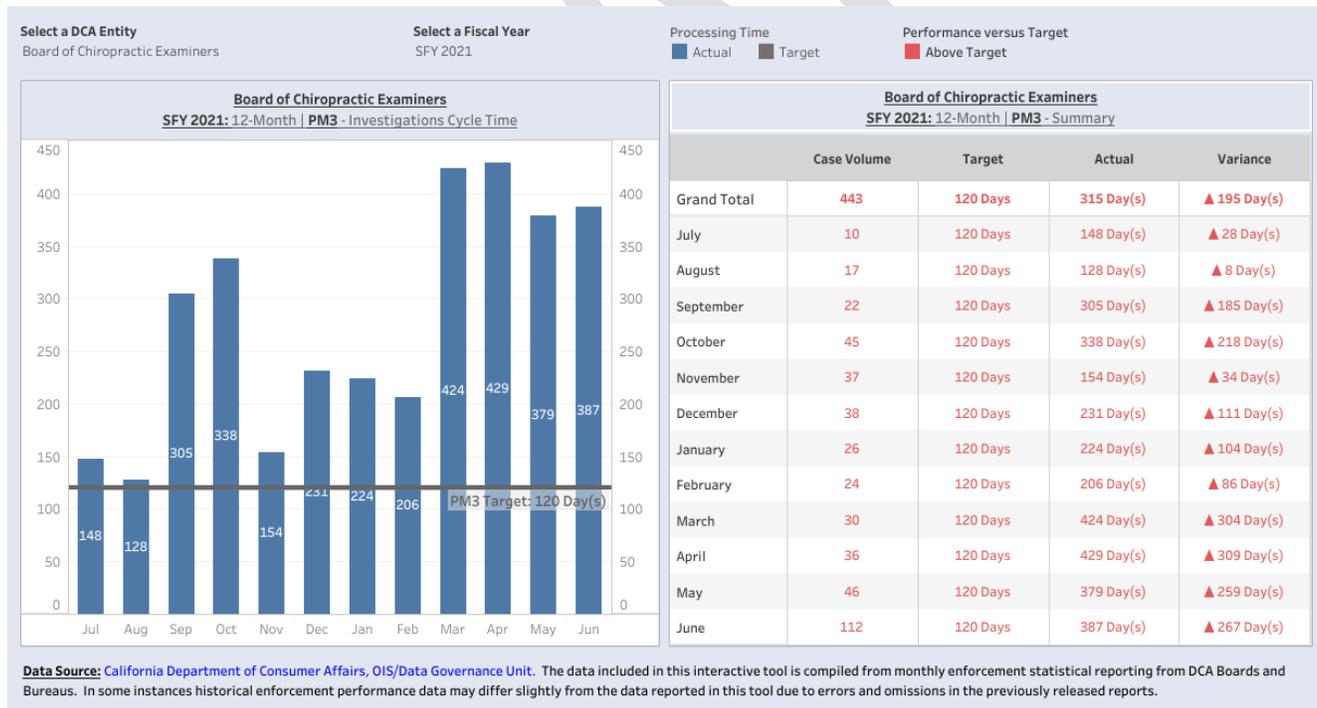
##### PM1: Case Volume by Type



## PM2: Intake Cycle Time



## PM3: Investigations Cycle Time



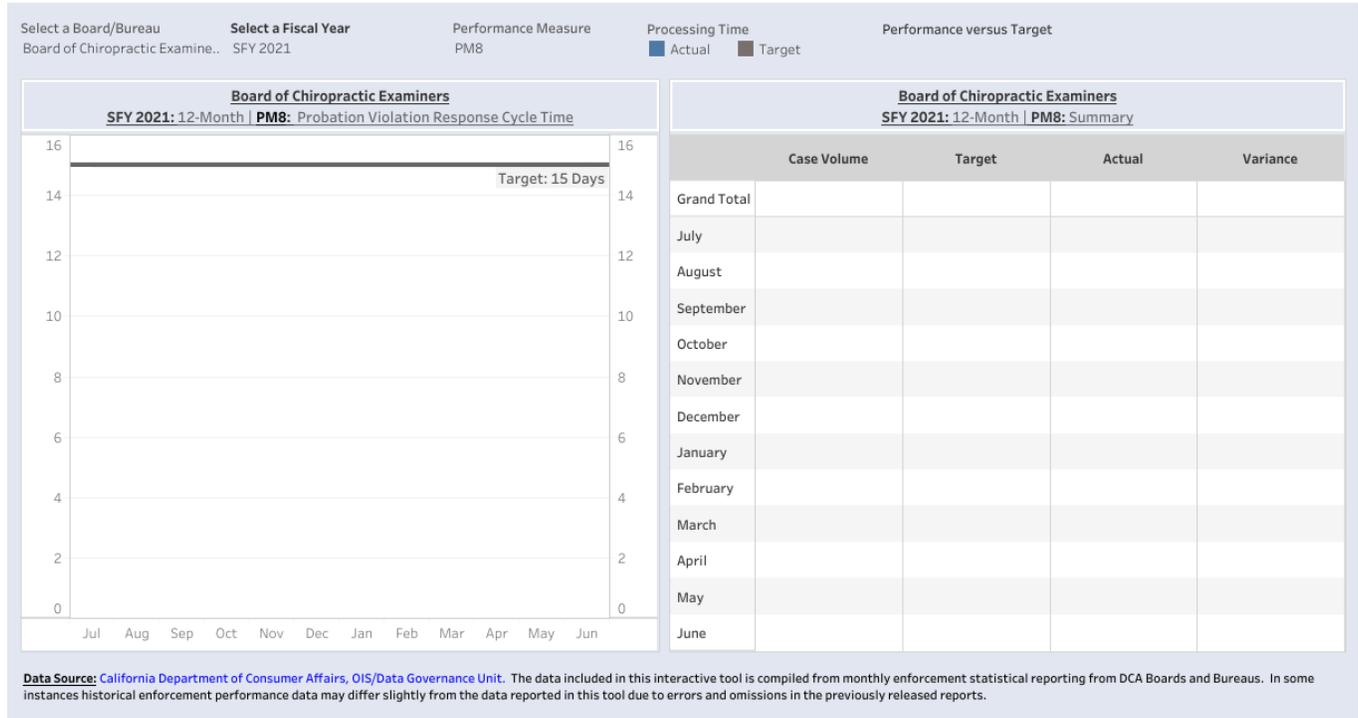
## PM4: Formal Discipline Cycle Time



## PM7: Probation Intake Cycle Time



## PM8: Probation Violation Response Cycle Time



## Licensing Performance Measures FY 2019/2020:

Select a Fiscal Year: FY19/20 | Select a DCA Entity: Board of Chiropractic Examinee.. | Select a License Type: All | Highlight by Trend: No items highlighted | New Applications Annual Change: Increase (Green), Decrease (Red)

*Data last refreshed on 10/05/2020*

DCA Entity	License Type	Current Year Applications	Prior Year Applications	Year-Over-Year Change	Year-Over-Year % Change
<b>Grand Total</b>		1,554	1,833	▼ -279	▼ -15.22%
Board of Chiropractic Examiners	<b>Total</b>	1,554	1,833	▼ -279	▼ -15.22%
	Chiropractic Corporations	103	86	▲ 17	▲ 19.77%
	Doctor of Chiropractic	326	306	▲ 20	▲ 6.54%
	Satellite Offices (BCE)	1,125	1,439	▼ -314	▼ -21.82%

**Data Source:** California Department of Consumer Affairs, OIS/Data Governance Unit. The data included in this interactive tool is compiled from the DCA annual reports. In some instances, the data contained in this tool may differ slightly from the information published in the annual report due to report release timing. Please refer to the PDF version of the annual report for reporting methodology and description about the data.

**7. Provide results for each question in the BCE customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

BCE solicits feedback on its enforcement process by including a link to an online complaint process survey conducted by the Department in the closure letters that are sent to complainants at the conclusion of its enforcement cases.

During the past four fiscal years, BCE sent notifications about the survey to approximately 800 complainants and received a total of 10 responses. In the survey responses, two complainants expressed their satisfaction with BCE’s complaint process and eight complainants expressed their dissatisfaction with BCE’s handling of their complaint. Due to the low survey response rate, it is difficult for BCE to draw meaningful conclusions from the survey results.

Below are the survey results received for FYs 2017/18 through 2020/21.

**Complaint Process Survey:**

**Question 1: Please enter the complaint number listed on the letter you recently received.**

Response	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Answer provided	2	3	3	2

**Question 2: How did you find out about our Board?**

Response	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Web search	2 (100%)	2 (67%)	3 (100%)	2 (100%)
Friend or relative	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Medical provider	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Other government agency	0 (0%)	1 (33%)	0 (0%)	0 (0%)

**Question 3: How did you initially contact our Board about your complaint?**

Response	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Phone	0 (0%)	0 (0%)	1 (33%)	1 (50%)
In person	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Regular mail	1 (50%)	3 (100%)	2 (67%)	1 (50%)
Email	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Website	1 (50%)	0 (0%)	0 (0%)	0 (0%)
No Response	0 (0%)	0 (0%)	0 (0%)	0 (0%)

**Question 4: Was our service courteous?**

Response	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Yes, strongly agree	1 (50%)	0 (0%)	1 (33%)	1 (50%)
Somewhat agree	0 (0%)	1 (33%)	1 (33%)	0 (0%)
Somewhat disagree	1 (50%)	1 (33%)	1 (33%)	1 (50%)
No, strongly disagree	0 (0%)	0 (0%)	0 (0%)	0 (0%)
No Response	0 (0%)	1 (33%)	0 (0%)	0 (0%)

**Question 5: How satisfied were you with the time it took for us to resolve your complaint?**

<b>Response</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
Very satisfied	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Somewhat satisfied	0 (0%)	0 (0%)	1 (33%)	0 (0%)
Somewhat dissatisfied	1 (50%)	0 (0%)	1 (33%)	2 (100%)
Very dissatisfied	1 (50%)	3 (100%)	1 (33%)	0 (0%)

**Question 6: Overall, how satisfied were you with the way in which we handled your complaint?**

<b>Response</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
Very satisfied	0 (0%)	0 (0%)	1 (33%)	0 (0%)
Somewhat satisfied	0 (0%)	0 (0%)	1 (33%)	0 (0%)
Somewhat dissatisfied	0 (0%)	3 (100%)	0 (0%)	0 (0%)
Very dissatisfied	2 (100%)	0 (0%)	1 (33%)	2 (100%)

**Question 7: Would you contact us again for a similar situation?**

<b>Response</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
Definitely	0 (0%)	0 (0%)	2 (67%)	2 (100%)
Probably	1 (50%)	1 (33%)	0 (0%)	0 (0%)
Probably not	1 (50%)	1 (33%)	0 (0%)	0 (0%)
Absolutely not	0 (0%)	1 (33%)	1 (33%)	0 (0%)

**Section 3 –  
Fiscal and Staff**

**Fiscal Issues**

**8. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.**

No, BCE’s fund is not continuously appropriated. The Department prepares BCE’s annual budget for inclusion in the Governor’s proposed budget and BCE’s appropriation is part of the Budget Act.

**9. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.**

For FY 2021/22, BCE has a balance of \$2.4 million in reserves, projected revenue of \$4.5 million, and projected expenditures of \$4.9 million.

**10. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.**

Based on current projections, a deficit will occur in FY 2023/24. To avoid insolvency, BCE will need to increase fees in FY 2022/23.

In order to substantiate budget concerns and determine a factual basis for the increase in fees charged to licensees, BCE has contracted with Matrix Consulting Group to conduct a fee analysis, assess the current fees charged, and determine what the fees should be based on actual workload and expenditures. The anticipated fee changes are specified in the table below. A detailed description of the fee changes can be found in the fee study report prepared by Matrix Consulting Group (Section 13, Attachment C-III).

<b>Fee Name</b>	<b>Current Fee</b>	<b>Total Cost Per Unit</b>	<b>Surplus / (Deficit) per Unit</b>
Biennial continuing education provider fee	\$56	\$118	(\$62)
Continuing education provider application fee	\$84	\$291	(\$207)
Continuing education course application fee	\$56	\$558	(\$502)
Corporation registration application fee	\$186	\$171	\$15
Corporation special report filing fee	\$31	\$98	(\$67)
Corporation renewal filing fee	\$31	\$62	(\$31)
Corporation duplicate certificate fee	\$50	\$70	(\$20)
Duplicate license fee	\$50	\$71	(\$21)
Initial license fee	\$186	\$137	\$49
License application fee	\$371	\$345	\$26

License certification / Out-of-state license verification	\$124	\$83	\$41
License renewal fee	\$313	\$336	(\$23)
Petition for early termination of probation or reduction of penalty fee	\$371	\$3,195	(\$2,824)
Petition for reinstatement of a revoked license fee	\$371	\$4,185	(\$3,814)
Preceptor fee	\$31	\$72	(\$41)
Reciprocal license application fee	\$371	\$283	\$88
Referral service application fee	\$557	\$279	\$278
Satellite certificate application fee	\$62	\$69	(\$7)
Satellite certificate renewal fee	\$31	\$50	(\$19)
Satellite certificate replacement fee	\$50	\$71	(\$21)

**Table 2. Fund Condition**

(Dollars in Thousands)	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Beginning Balance	2,022	2,161	2,086	2,364	2,168	1,402
Revenues and Transfers	3,726	3,962	4,659	4,662	4,268	4,086
<b>Total Revenue</b>	<b>\$3,726</b>	<b>\$3,962</b>	<b>\$4,659</b>	<b>\$4,662</b>	<b>\$4,518</b>	<b>\$4,336</b>
Budget Authority	4,218	4,328	5,086	5,046	4,522*	4,522**
Expenditures	4,217	3,669	4,038	4,772	5,034	5,170
Loans to General Fund	0	0	0	0	0	0
Accrued Interest, Loans to General Fund	0	0	0	0	0	0
Loans Repaid From General Fund	0	0	0	0	0	0
<b>Fund Balance</b>	<b>\$1,285</b>	<b>\$2,151</b>	<b>\$2,364</b>	<b>\$2,168</b>	<b>\$1,402</b>	<b>\$318</b>
<b>Months in Reserve</b>	<b>3.9</b>	<b>5.9</b>	<b>5.9</b>	<b>5.2</b>	<b>3.3</b>	<b>0.7</b>

\* 2021-22 Budget Act; \*\* Currently still building the 2022-23 Governor's Budget

**11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?**

BCE has not made any loans to the general fund.

**12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the**

**board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.**

During the past four fiscal years, BCE has spent approximately \$7.5 million, or 47%, of its total expenditures on the Enforcement Program. BCE spent \$2 million, or 13%, on its Licensing Program, and \$3.1 million, or 20%, on administration costs. BCE also spent \$3.2 million, or 20%, on pro rata. In addition, on average, BCE’s expenditures have been increasing annually at a rate of 10%.

Table 3 below provides a breakdown of expenditures for each of BCE's programs during the past four years.

	FY 2017/18		FY 2018/19		FY 2019/20		FY 2020/21	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$903	\$777	\$967	\$835	\$937	\$927	\$896	\$1,274
Examination	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Licensing	\$361	\$78	\$387	\$96	\$375	\$145	\$358	\$222
Administration *	\$595	\$98	\$632	\$120	\$621	\$182	\$593	\$278
DCA Pro Rata**	\$0	\$610	\$0	\$751	\$0	\$935	\$0	\$912
Diversion (if applicable)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTALS</b>	<b>\$ 1,859</b>	<b>\$ 1,563</b>	<b>\$1,986</b>	<b>\$1,802</b>	<b>\$1,933</b>	<b>\$2,189</b>	<b>\$1,847</b>	<b>\$ 2,686</b>

\*Administration includes costs for executive staff, board, administrative support, and fiscal services.  
 \*\* Includes Division of Investigation internal affairs + enforcement costs.

**13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?**

The BreEZe program was approved in 2009 and was intended to address deficiencies in DCA legacy systems. BCE was originally scheduled for Release 3 of the BreEZe system and contributed a total of approximately \$502,000 to BreEZe development through FY 2017/18. After technical delays and issues with the BreEZe project, BCE and the other Release 3 boards and bureaus were eliminated from the project. As a result, BCE was reimbursed \$148,000 for the BreEZe program. A summary of BCE’s actual BreEZe expenditures can be found in the table below.

FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
\$3,674	\$11,274	\$62,212	\$4,827	\$96,308	\$48,922	\$47,859	\$125,751	\$101,212

**14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the Board.**

BCE’s three license types – doctor of chiropractic license, satellite location certificate, and corporation certificate – expire on the last day of a licensee’s birth month and must be renewed annually. BCE’s fee authority can be found in Section 12 of the Chiropractic Initiative Act and CCR, title 16, section 370, and BCE’s current fee schedule is codified in BPC section 1006.5.

The annual renewal fee for BCE's primary license type – doctor of chiropractic – has been increased three times in the last 10 years. AB 1996 (Hill, Chapter 539, Statutes of 2010) increased the annual renewal fee for this license from \$150 to \$250. SB 547 (Hill, Chapter 429, Statutes of 2017) temporarily raised the fee from \$250 to \$300 in 2018. Additionally, effective January 1, 2019, SB 1480 (Hill, Chapter 571, Statutes of 2018) increased the renewal fee from \$300 to \$313 and set the fees charged for other services provided by BCE.

<b>Table 4. Fee Schedule and Revenue</b>							
(list revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2017/18 Revenue	FY 2018/19 Revenue	FY 2019/20 Revenue	FY 2020/21 Revenue	% of Total Revenue
Renewal Chiro License Fee	\$313.00	\$313.00	\$3,508,050.00	\$3,772,471.00	\$3,817,661.00	\$3,839,571.00	85.3%
Forfeiture Fee	\$313.00	\$313.00	\$31,700.00	\$36,937.00	\$39,751.00	\$71,364.00	1.5%
Renewal Satellite Certificate	\$31.00	\$31.00	\$15,245.00	\$49,650.00	\$66,526.00	\$93,372.00	2.07%
Renewal Corp Registration	\$31.00	\$31.00	\$12,680.00	\$22,816.00	\$33,945.00	\$45,787.00	1.01%
Application Fee	\$371.00	\$371.00	\$30,600.00	\$65,449.00	\$120,946.00	\$134,673.00	2.99%
Licensure Fee	\$186.00	\$186.00	\$31,500.00	\$45,478.00	\$52,452.00	\$61,752.00	1.37%
Corporation Application	\$186.00	\$186.00	\$8,600.00	\$15,546.00	\$19,158.00	\$23,064.00	0.5%
Reciprocity Application	\$371.00	\$371.00	\$250.00	\$596.00	\$371.00	\$742.00	0.016%
Referral Service Registration	\$557.00	\$557.00	\$582	\$0	\$0	\$0	0.00%
Continuing Education Provider Application	\$84.00	\$84.00	\$2,625.00	\$3,123.00	\$2,352.00	\$1,848.00	0.041%
Continuing Education Application	\$56.00	\$56.00	\$78,800.00	\$94,978.00	\$108,584.00	\$118,608.00	2.5%
Dup/Replacement License Fee	\$50.00	\$50.00	\$9,175.00	\$11,575.00	\$10,950.00	\$14,450.00	0.32%
Satellite Application Fee	\$62.00	\$62.00	\$7,195.00	\$33,182.00	\$69,750.00	\$73,904.00	1.6%
Fingerprint Reimbursements	\$49.00	\$49.00	\$2,450.00	\$2,989.00	\$1,813.00	\$2,009.00	0.04%
Miscellaneous	Varies	Varies	\$75.00	\$28.00	\$1,050.10	\$177.00	0.003%
Cost Recovery	Varies	Varies	\$58,963.00	\$116,277.00	\$59,360.00	\$65,323.00	1.4%
Dishonored Check Fee	\$25.00	\$25.00	\$675.00	\$900.00	\$950.00	\$575	0.008%
Cite and Fine	Various	Various	\$29,646.00	\$29,104.00	\$64,820.00	\$33,985.00	0.75%

**15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.**

BCE has not submitted any budget change proposals in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)			NONE						
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E		
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved	
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## Staffing Issues

### 16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Until recently, BCE had not been experiencing staffing issues. During the past four fiscal years, position vacancy rates were between 11% to 17%, or approximately two to three staff positions. These vacancy rates were primarily the result of promoting existing staff into higher level positions within BCE based on the knowledge, skills, and abilities they developed during their time at BCE, which created openings in the entry-level positions these staff members vacated.

BCE management regularly reviews its staff positions and works with DCA's Office of Human Resources to reclassify positions as needed to ensure BCE's business processes and operations remain efficient and to effectively fulfill BCE's consumer protection mission.

Due to the ongoing COVID-19 pandemic, it has been difficult for BCE to recruit and hire qualified staff for its vacant office technician, staff services analyst, associate governmental program analyst, and staff services manager positions. As a temporary solution to this issue, BCE has hired seasonal clerks and retired annuitants to assist with performing key business functions.

In addition, during this timeframe, BCE experienced a loss of key personnel, including the former assistant executive officer and a seasoned licensing/administration analyst. Although the enforcement manager was prepared to assume the assistant executive officer duties, BCE has yet to find a qualified candidate to assume the vacated enforcement manager position. BCE is also experiencing difficulty recruiting a qualified associate governmental program analyst to fill the vacant licensing/administration analyst position.

### 17. Describe the board's staff development efforts and total spent annually on staff development (cf., Section 13, Attachment D).

BCE encourages continuous training and development for all staff. BCE believes providing staff with training opportunities will allow them to develop the essential skills to effectively perform their jobs, enhance their performance, and enable them to be viable candidates for future promotional opportunities at BCE and other agencies. BCE understands the importance of its staff and is very supportive of every effort to keep them knowledgeable and performing at their best.

DCA's Strategic Organization, Leadership, and Individual Development (SOLID) offers a range of training and services, including individual, workgroup, and leadership development programs. In addition to skills training courses, BCE staff has participated in SOLID's Analyst Certification Training

program, which includes a series of courses to develop analytical strategies and techniques, and the Enforcement Academy, which includes a series of courses focused on DCA's enforcement processes.

BCE's executive officer has also devoted his time and effort into mentoring employees and supporting their career development, and served as a steering committee member and mentor for DCA's Future Leadership Development (FLD) Program. BCE's current and former assistant executive officers both completed the FLD program.

BCE staff have also participated in leadership development and training courses offered by the California Department of Human Resources (CalHR) and the California Department of Rehabilitation (DOR).

Trainings provided by SOLID are included in BCE's pro rata expenditures. Over the past four fiscal years, BCE spent the following on training outside of SOLID:

- FY 2017/18: \$0
- FY 2018/19: \$6,885
- FY 2019/20: \$3,034
- FY 2020/21: \$1,000

BCE's year-end organization charts for the last four fiscal years are provided in Section 13, Attachment D.

## Section 4 – Licensing Program

**18. What are the board’s performance targets/expectations for its licensing<sup>2</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

BCE has no regulations mandating application processing timeframes. However, BCE set a target of three to five months to process new applications and is meeting these expectations with an average processing time of 2.5 months.

**19. Describe any increase or decrease in the board’s average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?**

Since the last review, BCE’s average processing timeframe for applications has decreased by approximately one month due to efficiencies gained as a result of BCE’s Business Modernization Project and the implementation of BCE’s new application, licensing, and enforcement system, Connect.

BCE staff expeditiously processes all initial and renewal applications and there has been no backlog of pending applications.

**20. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.**

In the past four years, BCE has denied one license based on an applicant’s criminal history that was determined to be substantially related to the qualifications, functions, or duties of a doctor of chiropractic. This license was denied in FY 2019/20 due to an applicant’s 2017 felony conviction for Medicare fraud and the applicant was still on criminal probation at the time of application.

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<sup>2</sup> The term “license” in this document includes a license certificate or registration.

**Table 6. Licensee Population**

		FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Doctor of Chiropractic	Active <sup>3</sup>	13,075	12,943	12,771	12,579
	Out of State	847	828	803	794
	Out of Country	85	81	76	375
	Delinquent/Expired	1,076	1,156	1,265	1,404
	Retired Status <i>if applicable</i>	N/A	N/A	N/A	N/A
	Inactive	1,407	1,411	1,391	1,355
	Other <sup>4</sup>	N/A	N/A	N/A	N/A
Chiropractic Corporation	Active	1,338	1,371	1,397	1,379
	Out of State	0	1	1	0
	Out of Country	0	0	0	0
	Delinquent/Expired	1,172	1,209	1,259	1,363
	Retired Status <i>if applicable</i>	N/A	N/A	N/A	N/A
	Inactive	0	0	0	0
	Other	N/A	N/A	N/A	N/A
Satellite Office	Active	4,304	4,247	4,082	4,194
	Out of State	0	0	0	0
	Out of Country	0	0	0	0
	Delinquent/Expired	5,716	6,195	6,798	7,265
	Retired Status <i>if applicable</i>	N/A	N/A	N/A	N/A
	Inactive	18	17	17	18
	Other	N/A	N/A	N/A	N/A
Referral Service	Active	34	31	31	31
	Out of State	0	0	0	0
	Out of Country	0	0	0	0
	Delinquent/Expired	0	0	0	0
	Retired Status <i>if applicable</i>	N/A	N/A	N/A	N/A
	Inactive	0	0	0	0
	Other	N/A	N/A	N/A	N/A
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.					

<sup>3</sup> Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

<sup>4</sup> Other is defined as a status type that does not allow practice in California, other than retired or inactive.

Table 7a. Licensing Data by Type										
	Application Type	Received	Approved/Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2018/19	(Exam)	257	273	39	84	NDA	NDA	16	76	N/A
	(License)	310	310	310	310	NDA	NDA	29	57	N/A
	(Renewal)	12,312	12,427	N/A	NDA	NDA	NDA	NDA	NDA	NDA
FY 2019/20	(Exam)	221	239	33	117	NDA	NDA	17	88	N/A
	(License)	272	272	272	0	NDA	NDA	27	29	N/A
	(Renewal)	12,197	12,197	N/A	NDA	NDA	NDA	NDA	NDA	NDA
FY 2020/21	(Exam)	263	279	29	16	NDA	NDA	37	84	N/A
	(License)	341	341	0	0	NDA	NDA	28	30	N/A
	(Renewal)	12,267	12,267	N/A	NDA	NDA	NDA	NDA	NDA	NDA

\* Optional. List if tracked by the board.

Table 7b. License Denial			
	FY 2018/19	FY 2019/20	FY 2020/21
License Applications Denied (no hearing requested)	0	0	0
SOIs Filed	1	0	1
Average Days to File SOI (from request for hearing to SOI filed)	190	N/A	176
SOIs Declined	1	0	1
SOIs Withdrawn	2	1	0
SOIs Dismissed (license granted)	0	1	1
License Issued with Probation / Probationary License Issued	1	0	0
Average Days to Complete (from SOI filing to outcome)	292	124	196

**21. How does the board verify information provided by the applicant?**

BCE carefully reviews the official pre-chiropractic hours form submitted directly from BCE-approved chiropractic colleges to ensure that all pre-chiropractic coursework has been completed prior to enrollment in chiropractic college. Additionally, the college registrar submits the Chiropractic College Certificate directly to BCE which certifies the number of hours completed by the applicant in each required educational subject.

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant’s failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

BCE requires all applicants to submit fingerprints via Live Scan for a background check through the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). BCE also checks the National Board Practitioner Databank for any actions against reciprocal applicants.

BCE has not denied any licenses over the last four years based on an applicant's failure to disclose information on the application.

**b. Does the board fingerprint all applicants?**

Yes.

**c. Have all current licensees been fingerprinted? If not, explain.**

Yes. CCR, title 16, section 321.1 became effective January 14, 2011, and requires the fingerprinting of all licensees via Live Scan. If an applicant resides out of state and is unable to complete the Live Scan requirement at the time of application, they are permitted to submit fingerprint cards for an initial criminal background check. However, they are required to submit to Live Scan within their first year of licensure and are prohibited from renewing their license without completing the Live Scan requirement.

**d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?**

Yes, there is a National Practitioner Data Bank (NPDB) which BCE checks for applicants applying for a reciprocal license from another state. In addition, BCE requires all applicants to disclose disciplinary actions for all professional licenses they hold prior to issuing a license.

BCE previously started the promulgation of regulations containing provisions that would have required BCE to check NPDB and the Healthcare Integrity and Protection Data Bank prior to the issuance of a new license or renewal; however, the Department of Finance informed the BCE that it would not approve the proposed regulations because the cost of conducting the data bank checks would be \$46,391 initially, and \$90,350 ongoing, which cannot be absorbed within BCE's existing budget appropriation. As a result, BCE withdrew this provision from the Omnibus Consumer Protection Regulations package (now known as the Consumer Protection Enforcement Initiative [CPEI] regulations) and will pursue this authority in a separate regulation package if sufficient additional appropriation is approved.

**e. Does the board require primary source documentation?**

Yes.

**22. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.**

Through the Act and Board regulations, BCE provides for reciprocal licensure for candidates licensed in other states. The candidate must have graduated from a BCE-approved chiropractic college and completed the minimum number of hours and subjects as required by California law at the time the candidate's license was issued. The candidate must also have passed an equivalent examination in each of the subjects examined in California in the same year as the candidate was issued a license in the state from which they are applying. Additionally, they must have five years of chiropractic practice and hold a valid and up-to-date license from the state from which they are reciprocating, and the state from which they are licensed must offer reciprocal licensure to California chiropractors. BCE does not have the authority to grant reciprocal licensure to applicants who are licensed in another country.

**23. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.**

**a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?**

Yes. BCE asks applicants to identify if they have ever served in the United States military on their applications and expedites the processing of military veterans' license applications.

**b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?**

Graduation from a Council on Chiropractic Education (CCE) accredited chiropractic college is a requirement for licensure as a doctor of chiropractic in California. The United States military does not currently offer education, training, or experience in the practice of chiropractic.

**c. What regulatory changes has the board made to bring it into conformance with BPC § 35?**

As noted above, the United States military does not currently offer education, training, or experience in the practice of chiropractic.

**d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?**

Over the last four fiscal years, BCE waived renewal fees and/or continuing education requirements for eight applicants pursuant to BPC section 114.3, resulting in a total loss in revenue of \$4,069.

**e. How many applications has the board expedited pursuant to BPC § 115.5?**

BCE has expedited seven applications for licensure for military spouses pursuant to BPC section 115.5 over the past four fiscal years.

**24. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

BCE sends no longer interested notifications to DOJ on a regular and ongoing basis, and there is currently no backlog. As part of BCE's Business Modernization Project, BCE plans to automatically send these no longer interested notifications directly to DOJ electronically via the Connect system by late 2022.

## Examinations

<b>Table 8. Examination Data<sup>5</sup></b>		
<b>California Examination (include multiple language) if any: Only offered in English</b>		
License Type		Doctor of Chiropractic
Exam Title		California Chiropractic Law Examination (CCLE)
FY 2017/18	Number of Candidates	452
	Overall Pass %	68.8%
	Overall Fail %	31.2%
FY 2018/19	Number of Candidates	378
	Overall Pass %	85.5%
	Overall Fail %	14.5%
FY 2019/20	Number of Candidates	386
	Overall Pass %	75.7%
	Overall Fail %	24.3%
FY 2020/21	Number of Candidates	380
	Overall Pass %	87.4%
	Overall Fail %	12.6%
Date of Last OA		2017
Name of OA Developer		OPES
Target OA Date		2022

<b>National Examination (include multiple language) if any: Only offered in English</b>						
License Type		Doctor of Chiropractic				
Exam Title		National Board of Chiropractic Examiners (NBCE) Examination				
Examination Part:		I	II	III	IV	PT
FY 2017/18	Number of Candidates	2,374	2,255	2,268	2,359	2,189
	Overall Pass %	88.0%	88.5%	82.1%	87.4%	88.7%
	Overall Fail %	12.0%	11.5%	17.9%	12.6%	11.3%
FY 2018/19	Number of Candidates	2,211	2,176	2,202	2,398	2,040
	Overall Pass %	83.6%	88.6%	80.0%	94.3%	88.0%
	Overall Fail %	16.4%	11.4%	20.0%	5.7%	12.0%
FY 2019/20	Number of Candidates	2,566	2,695	2,623	2,418	2,552
	Overall Pass %	90.2%	89.3%	76.5%	92.7%	88.1%
	Overall Fail %	9.8%	10.7%	23.5%	7.3%	11.9%
FY 2020/21	Number of Candidates	2,547	2,529	2,501	2,471	2,244
	Overall Pass %	89.9%	87.8%	78.6%	91.2%	88.6%
	Overall Fail %	10.1%	12.2%	21.4%	8.8%	11.4%
Date of Last OA		2020				
Name of OA Developer		NBCE				
Target OA Date		2025				

<sup>5</sup> This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

**25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?**

The examinations required for licensure as a doctor of chiropractic include Parts I through IV and Physiotherapy of the national examination administered by the National Board of Chiropractic Examiners (NBCE) and the California Chiropractic Law Examination (CCLE) that was developed by BCE and is offered through a testing vendor, PSI Services. These examinations are only offered in English.

**26. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?**

During the past four fiscal years, % of applicants passed the national examination during their first attempt and % of applicants passed a reexamination. Similarly, % of applicants passed the CCLE on their first attempt and % passed a reexamination. As noted above, these examinations are only offered in English.

**27. Is the board using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?**

BCE utilizes computer-based testing for its CCLE, which is available throughout the year in various locations throughout the United States. The NBCE national examination is not computer-based and is administered each year in the spring and fall at various locations throughout the United States, including three sites in California: Hayward, San Jose, and Whittier.

**28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.**

BCE is not aware of any existing statutes that hinder the efficient and effective processing of applications or examinations.

### **School Approvals**

**29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?**

BCE regulations define the requirements needed to approve schools. Schools need to demonstrate that they meet the following requirements: supervision, financial management, records, catalog, calendar, faculty, student faculty ratio, faculty organization, scholastic regulations, curriculum, physical facilities, and quality of instruction. The Bureau for Private Postsecondary Education (BPPE) does not play a role in approving the BCE schools. BCE's regulation states that no school shall be approved until it has been inspected by the Council on Chiropractic Education (CCE), which is the agency recognized by the U.S. Secretary of Education for accreditation of programs and institutions offering the Doctor of Chiropractic degree.

**30. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?**

There are 19 BCE-approved chiropractic schools. BCE's regulation provides for reviews and inspections to be conducted by CCE. CCE has established requirements to inspect and review schools on an eight-year cycle for established schools and four-year cycle for schools gaining initial accreditations. Typically, established school site visits occur at the four-year mark, halfway through the cycle.

**31. What are the board's legal requirements regarding approval of international schools?**

A chiropractic school cannot be approved until it has been in operation for at least two years, meets all regulatory requirements, and is inspected by CCE. Currently, CCE only recognizes chiropractic colleges within the United States and does not grant approval to international schools.

**Continuing Education/Competency Requirements**

**32. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.**

BCE's continuing education (CE) requirements are listed in CCR, title 16, section 361. To renew the doctor of chiropractic license in active status, licensees must complete 24 hours of CE, including a minimum of two hours in subdivision (g)(11) - Ethics and Law, and a minimum of four hours in any one of, or a combination of, the subject areas specified in subdivision (g)(3) - History Taking and Physical Examination Procedures, subdivision (g)(5) - Chiropractic Adjustive Techniques or Chiropractic Manipulation Techniques, or subdivision (g)(10) - Proper and Ethical Billing and Coding.

The remaining 18 hours of CE may be met by taking BCE-approved courses in any subject areas and/or completing courses that are approved by the California Department of Industrial Relations, Division of Workers Compensation, or any healing arts board or bureau within Division 2 of the Business and Professions Code, or approved by any organization authorized to approve CE by any healing arts board or bureau.

In addition, licensees may only complete a maximum of 12 hours of CE through distance learning (i.e., computer, Internet, digital video, etc.).

**a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?**

BCE verifies completion of CE through random audits of license renewal applications. In addition, the online renewal application available to licensees through BCE's Connect system allows licensees to upload their CE certificates of completion and attach them to their application for staff review.

BCE is not currently able to receive primary source verification of CE completion through the Department's cloud or any other resource. However, as part of BCE's Business Modernization Project, BCE plans to integrate primary source verification into the CE provider dashboard. This functionality will allow BCE-approved CE providers to upload course completion information

directly into BCE's Connect system and automatically integrate that data into licensees' records in the system.

**b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.**

Yes, as noted above, BCE conducts random CE audits to verify licensees' compliance with the annual CE requirement. CCR, title 16, section 366 requires licensees to secure and retain their certificates of completion for their CE courses for four years from their last renewal and forward the documents to BCE for auditing upon request.

BCE sends notices to the licensees who have been randomly selected for the CE audit requesting that they provide BCE with a copy of their certificates of completion for the coursework they completed in the previous renewal period. Licensees who fail to complete the required CE or fail to respond to the audit are referred to BCE's Enforcement Unit for appropriate action.

**c. What are consequences for failing a CE audit?**

BCE's Enforcement Unit typically issues letters of admonishment or citations and fines to licensees who fail CE audits. However, egregious cases, such as those involving the falsification of documentation or repeat offenders, are referred to the Attorney General's office for disciplinary action.

**d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?**

In fiscal years 2017/18 through 2019/20, BCE conducted a total of 3,456 CE audits and found 531 cases, or 15.4%, where licensees had failed to comply with the annual CE requirement. BCE temporarily suspended its CE audits beginning in FY 2020/21 based on the CE waivers that were issued by the Department due to the ongoing COVID-19 pandemic. BCE plans to resume conducting CE audits in spring 2022.

Below is a table with the number of CE audits conducted during the past four fiscal years and the corresponding failure rates:

<b>Fiscal Year</b>	<b>Audits Conducted</b>	<b>Failed Audits</b>
2017/18	694	93 (13.4%)
2018/19	1,669	181 (10.8%)
2019/20	1,093	257 (23.5%)
2020/21	0	N/A

**e. What is the board's CE course approval policy?**

BCE regulations require each course application to include four documents with a completed application: 1) an hourly breakdown of the CE course; 2) a final copy of the syllabus/course schedule with specifics included; 3) a copy of the course brochure and all other promotional material to be used; and 4) a curriculum vitae for each instructor. Staff reviews and verifies all documentation for completion and compliance with CE regulations, then submits the applications to the licensing manager for approval or denial. Once the application has been reviewed by the

manager, a notification letter is sent to the provider advising whether the course was approved or denied.

**f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?**

CE provider applications are reviewed for completion and approved by staff. Approved provider applications are then ratified by the Board at its next meeting.

**g. How many applications for CE providers and CE courses were received? How many were approved?**

During the past four fiscal years, BCE received 105 CE provider applications and approved/ratified 108 applications. Below is a breakdown of CE provider application approvals by fiscal year.

Fiscal Year	CE Provider Applications Received	CE Provider Applications Approved
2017/18	35	34
2018/19	22	23
2019/20	28	32
2020/21	20	19

In this timeframe, BCE received a total of 6,701 CE course applications and approved 7,273 applications (including pending applications from prior FY 2016/17). The table below provides information regarding the CE course approvals by fiscal year.

Fiscal Year	CE Course Applications Received	CE Course Applications Approved
2017/18	1,576	1,544
2018/19	1,017	1,719
2019/20	1,939	2,035
2020/21	2,169	1,975

**h. Does the board audit CE providers? If so, describe the board’s policy and process.**

Yes, BCE randomly selects CE providers and courses for audits and also conducts audits of specific courses in response to complaints. As part of the audit process, an expert reviewer or a designee appointed by BCE inspects and audits CE provider and course documentation, attends the course, and prepares a report detailing their findings. If any violations of BCE’s regulations are found through the audit, the CE provider is educated on BCE’s regulations and requirements. In addition, the CE provider and/or course approval may be withdrawn by BCE.

**i. Describe the board’s effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee’s continuing competence.**

The Board has not discussed moving toward performance-based assessments of licensees’ continuing competence in lieu of CE coursework requirements. However, the Licensing and Continuing Education Committee is developing proposed changes to the CE regulations to align the mandatory course categories with the core competencies necessary for a doctor of chiropractic to safely practice in California.

<b>Table 8a. Continuing Education</b>			
<b>Type</b>	<b>Frequency of Renewal</b>	<b>Number of CE Hours Required Each Cycle</b>	<b>Percentage of Licensees Audited</b>
Doctor of Chiropractic	Annual	24	9.4%

DRAFT

## Section 5 – Enforcement Program

### **33. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

BCE's target cycle time for complaint intake is 10 days from receipt of a complaint to assignment for investigation. Since the last review, BCE has made significant efforts to make the intake process more efficient, and as a result, BCE has been meeting or exceeding this target.

For investigations that do not result in a referral to the Attorney General's office for disciplinary action, BCE previously set a target of 120 days from receipt of the complaint to closure of the case. However, during this reporting period, BCE's average cycle time for this metric is 215 days. Some of the delays in closing cases have been beyond BCE's control, such as tracking licensee arrests through the prosecution process, which can take up to one to two years, and difficulties in obtaining documents and evidence from licensees in a timely manner or securing cooperation from complainants and witnesses during an investigation. BCE management is closely monitoring the status of pending investigations and holding weekly case reviews with Enforcement staff to ensure the timely completion of the cases within BCE's control.

BCE's target cycle time for discipline is 540 days from receipt of the complaint through the effective date of the disciplinary action. BCE has been unable to meet this target during this reporting period due to factors primarily outside of BCE's control, such as the amount of time it takes for licensee arrests to eventually result in convictions, hearing scheduling with the Office of Administrative Hearings, licensee requests for hearing continuances, and witness availability for hearings. BCE management is closely monitoring the status of pending disciplinary cases.

### **34. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?**

The number of complaints received annually by BCE has been comparable to the last review, with the exception of FY 2020/21, when BCE only received a total of 474 complaints. This reduction in workload is believed to be caused by a temporary decrease in patient visits to chiropractic offices and BCE's suspension of continuing education audits due to the COVID-19 pandemic.

To reduce pending caseload in the Enforcement Program, BCE management is regularly meeting with staff to discuss cases and focus on their timely completion. BCE also added a new office technician position to the unit and upgraded an existing staff services analyst position to the associate governmental program analyst level to handle complaint intake and desk investigations, respectively. Management is currently evaluating the existing duties assigned to all positions within the Enforcement Program and will be updating duty statements to have staff specialize in and focus on complaint intake, investigations, or case management to further reduce enforcement timeframes and make the program more efficient.

<b>Table 9a. Enforcement Statistics</b>			
	FY 2018/19	FY 2019/20	FY 2020/21
<b>COMPLAINTS</b>			
Intake			
Received	563	739	415
Closed without Referral for Investigation	0	0	0
Referred to INV	597	755	417
Pending (close of FY)	20	4	2
Conviction / Arrest			
CONV Received	79	46	59
CONV Closed Without Referral for Investigation	0	0	0
CONV Referred to INV	79	49	59
CONV Pending (close of FY)	3	0	0
Source of Complaint <sup>6</sup>			
Public	254	274	275
Licensee/Professional Groups	15	53	22
Governmental Agencies	20	34	18
Internal	339	403	127
Other	0	0	0
Anonymous	14	21	32
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	19	7	9
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	N/A	N/A	N/A
Average Time at Intake (from receipt of complaint / conviction to closure for referral for investigation)	19	7	9
<b>INVESTIGATION</b>			
Desk Investigations			
Opened	557	690	381
Closed	256	714	427
Average days to close (from assignment to investigation closure)	169	144	248
Pending (close of FY)	439	415	370
Non-Sworn Investigation			
Opened	118	114	94
Closed	70	82	110
Average days to close (from assignment to investigation closure)	364	394	642
Pending (close of FY)	116	148	131
Sworn Investigation			
Opened	1	0	1
Closed	7	6	22
Average days to close (from assignment to investigation closure)	541	993	1194
Pending (close of FY)	37	31	10

<sup>6</sup> Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

All investigations <sup>7</sup>			
Opened	676	804	476
Closed	333	802	559
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	218	176	363
Average days for investigation closures (from start investigation to investigation closure)	192	168	299
Average days for investigation when referring for prosecution (from start investigation to referral prosecution)	504	381	650
Average days from receipt of complaint to investigation closure	238	183	372
Pending (close of FY)	592	594	511
<b>CITATION AND FINE</b>			
Citations Issued	28	111	34
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	326	258	545
Amount of Fines Assessed	\$25,200	\$71,850	\$48,250
Amount of Fines Reduced, Withdrawn, Dismissed	\$800	\$2,000	\$4,250
Amount Collected	\$29,104	\$64,820	\$35,635
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution	N/A	N/A	N/A
<b>ACCUSATION</b>			
Accusations Filed	23	19	28
Accusations Declined	1	0	3
Accusations Withdrawn	1	0	1
Accusations Dismissed	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	135	138	153
<b>INTERIM ACTION</b>			
ISO & TRO Issued	0	0	0
PC 23 Orders Issued	2	2	1
Other Suspension/Restriction Orders Issued	N/A	N/A	N/A
Referred for Diversion	N/A	N/A	N/A
Petition to Compel Examination Ordered	1	0	1
<b>DISCIPLINE</b>			
AG Cases Initiated (cases referred to the AG in that year)	27	34	61
AG Cases Pending Pre-Accusation (close of FY)	20	25	47
AG Cases Pending Post-Accusation (close of FY)	19	25	33
<b>DISCIPLINARY OUTCOMES</b>			
Revocation	13	4	5
Surrender	15	5	9
Suspension only	0	0	0
Probation with Suspension	0	1	1
Probation only	13	2	9

<sup>7</sup> The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

Public Reprimand / Public Reproval / Public Letter of Reprimand	0	0	0
Other	1	2	3
<b>DISCIPLINARY ACTIONS</b>			
Proposed Decision	9	2	2
Default Decision	6	2	4
Stipulations	26	8	18
Average Days to Complete After Accusation (from Accusation filed to closure of the case)	257	382	366
Average Days from Closure of Investigation to Imposing Formal Discipline	484	705	584
Average Days to Impose Discipline (from complaint receipt to final outcome)	754	1234	856
<b>PROBATION</b>			
Probations Completed	15	13	12
Probationers Pending (close of FY)	80	67	61
Probationers Tolloed	5	5	6
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	7	2	1
<b>SUBSEQUENT DISCIPLINE<sup>8</sup></b>			
Probations Revoked	2	2	1
Probationers License Surrendered	3	0	4
Additional Probation Only	1	0	0
Suspension Only Added	0	0	0
Other Conditions Added Only	0	0	0
Other Probation Outcome	0	0	2
<b>SUBSTANCE ABUSING LICENSEES</b>			
Probationers Subject to Drug Testing	24	18	14
Drug Tests Ordered	371	259	178
Positive Drug Tests	34	4	9
<b>PETITIONS</b>			
Petition for Termination or Modification Granted	0	2	1
Petition for Termination or Modification Denied	0	2	1
Petition for Reinstatement Granted	0	2	0
Petition for Reinstatement Denied	8	5	1
<b>DIVERSION</b>			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

<sup>8</sup> Do not include these numbers in the Disciplinary Actions section above.

<b>Table 10. Enforcement Aging</b>						
	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	Cases Closed	Average %
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days	142	79	335	149	705	31.9%
91 - 180 Days	157	76	143	49	425	19.2%
181 - 1 Year	153	131	211	120	615	27.8%
1 - 2 Years	45	36	99	152	332	15.0%
2 - 3 Years	14	5	9	69	97	4.4%
Over 3 Years	6	6	5	20	37	1.7%
Total Investigation Cases Closed	517	333	802	559	2211	100%
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
0 - 1 Year	5	5	0	7	17	14.0%
1 - 2 Years	3	8	1	3	15	12.4%
2 - 3 Years	18	23	5	13	59	48.8%
3 - 4 Years	4	6	1	3	14	11.6%
Over 4 Years	4	2	5	5	16	13.2%
Total Attorney General Cases Closed	34	44	12	31	121	100%

**35. What do overall statistics show as to increases or decreases in disciplinary action since last review?**

Since the last review, the number of disciplinary actions taken against licensees has decreased by approximately 32%, but the number of pending disciplinary cases has increased 23%. BCE believes these changes are primarily due to delays in prosecuting criminal cases and holding administrative hearings as a result of the ongoing COVID-19 pandemic.

**36. How are cases prioritized? What is the board’s compliant prioritization policy? Is it different from DCA’s *Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)*? If so, explain why.**

BCE’s complaint prioritization policy is consistent with DCA’s *Complaint Prioritization Guidelines for Health Care Agencies*. During the complaint intake process, cases are prioritized as “urgent”, “high”, or “routine”.

Examples of “urgent” cases include allegations of serious patient/consumer harm, injury, or death; mental or physical impairment with potential for public harm; practicing while under the influence of alcohol or drugs; sexual misconduct; and gross negligence or incompetence. The majority of patient complaints, allegations of unlicensed practice, and licensee arrest and conviction notifications are categorized as “high” priority. Cases involving failure to release patient records, general recordkeeping violations, and continuing education audits are categorized as “routine”.

**37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the**

**board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?**

Yes. Mandatory reporting requirements are specified in BPC sections 801, 802, and 803, and CCR, title 16, sections 314 and 371.

BPC section 801 requires every insurer providing professional liability insurance to licensees to send a complete report to BCE within 30 days regarding any settlement or arbitration award over \$3,000 for a claim or action for damages for death or personal injury caused by the licensee’s negligence, error, or omission in practice, or by the licensee’s rendering of unauthorized professional services.

Similarly, BPC section 802 requires licensees who do not possess professional liability insurance to send a complete report to BCE within 30 days regarding every settlement, judgment, or arbitration award over \$3,000 for a claim or action for damages for death or personal injury caused by negligence, error, or omission in practice, or by the unauthorized rendering of professional services.

BPC section 803 requires within 10 days after a judgment by a court of this state that a licensee has committed a crime, or is liable for any death or personal injury resulting in a judgment for an amount in excess of \$30,000 caused by the licensee’s negligence, error or omission in practice, or rendering unauthorized professional services, the clerk of the court that rendered the judgment shall report that fact to BCE.

In addition, CCR, title 16, section 314 states it is the duty of every licensee to notify BCE of any violation of the Act or Board regulations so the Board may take appropriate disciplinary action. Licensees must also notify BCE of any convictions or disciplinary actions taken against them by another regulatory agency on their annual license renewal applications pursuant to CCR, title 16, section 371.

BCE is not aware of any problems with receiving these mandated reports and notifications.

**a. What is the dollar threshold for settlement reports received by the board?**

As noted above, the dollar threshold for settlement reports received by BCE is \$3,000.

**b. What is the average dollar amount of settlements reported to the board?**

The average dollar amount of settlements reported to BCE during the last four fiscal years is \$126,647.

	<b>FY 2017/18</b>	<b>FY 2018/19</b>	<b>FY 2019/20</b>	<b>FY 2020/21</b>
Settlement Reports Received	18	16	10	16
Average Settlement Amount	\$70,692	\$130,281	\$168,520	\$159,792

**38. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.**

BCE’s Executive Officer, in consultation with the Office of the Attorney General, negotiates stipulated settlements, including stipulated surrenders, with licensees and their legal counsel, if represented, where appropriate to protect the public by expediting disciplinary decisions and to limit BCE’s prosecution costs.

All proposed stipulated settlements are presented to the Board with a memorandum from the assigned deputy attorney general outlining and explaining the background and circumstances of the case, the allegations against the respondent, any mitigating evidence, and the proposed penalty, along with the DAG’s recommendation for the Board to adopt the proposed settlement.

After the Board’s review, the Board votes to adopt, modify, or reject the proposed stipulated settlement.

**a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?**

The Board has not settled any disciplinary cases in the past four years prior to filing an accusation.

**b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?**

During the past four years, 19 default decisions were issued, 76 cases were settled, and 16 cases resulted in an administrative hearing.

Type of Decision	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Default Decisions	7	6	2	4
Hearing Decisions	3	9	2	2
Stipulated Settlements	24	26	8	18

**c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?**

During the past four years, the Board settled 68.5% of disciplinary cases and 14.4% of cases resulted in a hearing. In addition, the Board issued default decisions in 17.1% of cases.

Type of Decision	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Default Decisions	20.6%	14.6%	16.7%	16.7%
Hearing Decisions	8.8%	22.0%	16.7%	8.3%
Stipulated Settlements	70.6%	63.4%	66.7%	75.0%

**39. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board’s policy on statute of limitations?**

No, BCE does not have a statute of limitations. However, CCR, title 16, section 318 only requires licensees to maintain patient records for five years from the last treatment date. Therefore, when complaints are submitted over five years after the last treatment date, BCE is often limited in its ability to investigate the allegations, substantiate any violations, and take any action.

**40. Describe the board’s efforts to address unlicensed activity and the underground economy.**

Section 15 of the Act and CCR, title 16, section 310.2 prohibit the unlicensed practice of chiropractic and the use of the titles “chiropractor” and “D.C.” by unlicensed individuals. BCE uses its cite and fine authority to address routine violations of these provisions such as use of titles in advertising or

licensees who practiced on an expired license. Egregious cases of unlicensed activity are referred to DCA's Division of Investigation or local law enforcement to pursue criminal action against the individuals.

## **Cite and Fine**

### **41. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?**

BCE has authority to issue citations containing an order to pay a fine between \$100 and \$5,000 and an order of abatement to licensees for any violation of the Act, Board regulations, or any laws governing the practice of chiropractic. BCE may also issue citations against unlicensed individuals who are acting in the capacity of a licensee and are not otherwise exempt from licensure.

BCE increased its maximum fine amount to the \$5,000 statutory limit in 2008. There have been no changes to BCE's citation regulations (CCR, title 16, sections 390 through 390.6) since the last review. However, BCE is currently working on a regulatory package to amend CCR, title 16, sections 390.4 and 390.5 by adding the following required provisions from BPC section 125.9 to BCE's citation system:

- 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))

### **42. How is cite and fine used? What types of violations are the basis for citation and fine?**

BCE's cite and fine authority provides an efficient means to address violations of the Act or Board regulations that do not warrant formal disciplinary action. When determining if a citation is appropriate for a violation, BCE considers the: nature and severity of the violation; length of time that has passed since the violation; consequences of the violation, such as potential or actual patient harm; history of previous violations; and other factors.

BCE commonly issues citations for failed continuing education audits, record keeping violations, failure to maintain patient records, and unprofessional conduct.

### **43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**

During the last four fiscal years, BCE held 23 informal office conferences and five citations were appealed to an administrative hearing.

#### **44. What are the five most common violations for which citations are issued?**

The five most common violations for which citations are issued are:

1. Failure to comply with the annual continuing education requirement (CCR, title 16, sections 361(b) and (e), 366, and 371(c))
2. Failure to include the required content in chiropractic patient records (CCR, title 16, sections 318(a)(1) through (7))
3. Unprofessional conduct (CCR, title 16, section 317)
4. Conviction of a substantially related crime (CCR, title 16, section 317(g))
5. Failure to make chiropractic patient records available to the Board (CCR, title 16, section 318(a))

#### **45. What is average fine pre- and post- appeal?**

During the past four fiscal years, the average pre-appeal fine amount was \$1,346 and the average post-appeal fine was \$715.

#### **46. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.**

BCE uses the Franchise Tax Board (FTB) Interagency Intercept Collection Program to collect delinquent administrative fines from licensees and unlicensed individuals after sending three written notices of nonpayment. Through this program, FTB intercepts tax refunds, unclaimed property claims, and lottery winnings owed to cited individuals and redirects these funds to pay their delinquent fines due to the Board.

#### **Cost Recovery and Restitution**

#### **47. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.**

The Board seeks recovery of its full investigation and prosecution costs for all disciplinary cases whenever possible. However, if a case proceeds to an administrative hearing, the administrative law judge from the Office of Administrative Hearings may reduce or eliminate cost recovery as part of their proposed decision. In addition, when negotiating stipulated settlements or surrenders, the Board may agree to reduce the amount of cost recovery upon a showing of financial hardship or other mitigating circumstances.

There have not been any changes to the Board's efforts to obtain cost recovery since the last review.

#### **48. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.**

The Board seeks reimbursement of all costs incurred during the investigation and prosecution of a disciplinary case up to the date of the administrative hearing, including expert consultant expenses and charges by the Attorney General's office.

During the past four fiscal years, the Board ordered an average of \$7,129 in cost recovery per disciplinary case. Cost recovery assessed against licensees placed on probation is collectable

because if a licensee fails to pay the costs as directed by the Board, the Board can seek to revoke their probation and impose a penalty of license revocation. Cost recovery for cases resulting in a license revocation or surrender is usually not due until the former licensee petitions the Board for reinstatement of their license. As a result, the Board is often unable to recover its costs for disciplinary cases where a license has been surrendered or revoked.

**49. Are there cases for which the board does not seek cost recovery? Why?**

No, as noted above, the Board seeks cost recovery in all disciplinary cases.

**50. Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery.**

BCE uses the FTB Interagency Intercept Collection Program to collect delinquent cost recovery after three written notices of nonpayment.

**51. Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.**

BCE’s *Disciplinary Guidelines and Model Disciplinary Orders* contain an optional term of probation to order restitution for consumers. However, BCE is generally unable to seek restitution in its disciplinary cases, as the majority of cases involve matters of sexual misconduct or insurance fraud that have already been prosecuted through the criminal justice system, or instances of gross negligence and malpractice that have already been settled through civil action.

<b>Table 11. Cost Recovery<sup>9</sup></b> (list dollars in thousands)				
	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Total Enforcement Expenditures	\$1,680,000	\$1,802,000	\$1,864,000	\$2,170,000
Potential Cases for Recovery *	34	41	12	24
Cases Recovery Ordered	27	35	10	20
Amount of Cost Recovery Ordered	\$97,869.49	\$214,752.50	\$179,724.08	\$163,563.75
Amount Collected	\$58,962.88	\$116,277.49	\$59,360.00	\$65,322.75
* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.				

<b>Table 12. Restitution</b> (list dollars in thousands)				
	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Amount Ordered	N/A	N/A	N/A	N/A
Amount Collected	N/A	N/A	N/A	N/A

<sup>9</sup> Cost recovery may include information from prior fiscal years.

**52. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board’s website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?**

BCE uses its website, social media accounts (Facebook, Instagram, and Twitter), and email subscriber lists as resources to keep applicants, licensees, and the public informed of BCE’s activities and updates. BCE posts all Board and committee meeting agendas and materials on its “Board Meetings” webpage ([https://chiro.ca.gov/about\\_us/meetings/index.html](https://chiro.ca.gov/about_us/meetings/index.html)). All meeting agendas are posted a minimum of 10 days in advance of any Board or committee meeting, and a notification with a link to the agenda is sent to BCE’s email subscribers. BCE also posts meeting materials on this webpage when they are available. Draft meeting minutes for a prior Board or committee meeting can generally be found in the meeting materials for the next Board or committee meeting where they will be reviewed and approved by the Board or committee. After approval of meeting minutes, BCE posts them on the “Board Meetings” webpage where they currently remain online indefinitely

**53. Does the board webcast its meetings? What is the board’s plan to webcast future board and committee meetings? How long do webcast meetings remain available online?**

Yes, BCE webcasts all Board meetings and some committee meetings. BCE plans to continue webcasting all future Board meetings, as well as committee meetings whenever possible. Webcasted meetings are uploaded to DCA’s YouTube page where they remain online indefinitely and BCE provides direct links to the webcasts on its “Board Meetings” webpage ([https://chiro.ca.gov/about\\_us/meetings/index.html](https://chiro.ca.gov/about_us/meetings/index.html)).

**54. Does the board establish an annual meeting calendar, and post it on the board’s web site?**

Yes, BCE meets quarterly and sets board meeting dates for the calendar year in advance at the last Board meeting of the prior calendar year. Future meeting dates are posted on the BCE website under “Board Meetings” webpage.

**55. Is the board’s complaint disclosure policy consistent with DCA’s *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA’s *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?**

Yes, BCE’s complaint disclosure policy is consistent with DCA’s *Recommended Minimum Standards for Consumer Complaint Disclosure*, as well as applicable provisions of the California Public Records Act and Information Practices Act.

Information regarding accusations, disciplinary actions, and citations against licensees derived from BCE’s CAS database and Connect system is automatically displayed on licensees’ profile pages on DCA Search, which the public can access by visiting <https://search.dca.ca.gov> or through the “License Search” link on BCE’s website. BCE also posts accusations, final orders, and other disciplinary documents on licensees’ DCA Search profile pages.

In addition, BCE publishes monthly summaries of enforcement actions and posts them in the Enforcement section of BCE's website (<https://chiro.ca.gov/enforcement/actions.html>).

**56. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

BCE provides the following information to the public regarding its licensees:

- Licensee's name;
- License number, issue date, expiration date, and status;
- Practice address (or other address of record designated by the licensee);
- Disciplinary actions (if any);
- Satellite location certificates (if any); and
- Corporation certificates (if any).

BCE does not require licensees to provide information pertaining to awards, certificates, certifications, or specialty areas.

**57. What methods are used by the board to provide consumer outreach and education?**

BCE's website provides pertinent information, forms/applications, laws and regulations, proposed regulations, board meeting materials and minutes, board and committee meeting webcasts, newsletters, and other important notices for applicants, licensees, and the public. When possible, BCE holds meetings at chiropractic colleges to encourage licensees, students, and the public to engage with the Board. BCE's Ambassador Program enables individuals and organizations to request speakers to discuss consumer and professional topics at meetings and events throughout the state. The Ambassador Program Request form is located on BCE's website.

Additionally, BCE utilizes Facebook, Instagram, and Twitter to relay important updates and helpful information. Interested parties can also register their email address to receive notifications regarding BCE updates and activities.

Furthermore, BCE created an "About Us" pamphlet and *A Consumer's Guide to Chiropractic Care* to educate consumers on BCE and the practice of chiropractic. These publications are available in English and Spanish on BCE's "Publications" webpage (<https://chiro.ca.gov/publications/index.shtml>).

**58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?**

BCE does not currently have plans to regulate Internet business practices. BCE receives very few complaints related to online practice (telehealth) and unlicensed activity. Existing laws and regulations provide sufficient authority for BCE to address any violations that may arise related to online practice and unlicensed activity.

Telehealth

Due to the hands-on nature of chiropractic practice, it has not traditionally leant itself to telehealth. However, as technology advances, telehealth is becoming more prevalent in healthcare professions, including chiropractic care. The COVID-19 pandemic has also placed an emphasis on telehealth services for patients and many chiropractors incorporated at least some form of telehealth services for their patients.

BCE has seen an increase in questions from licensees related to telehealth since the onset of the pandemic. Licensees primarily want to know if they are authorized to practice via telehealth. The short answer is yes. Although the Chiropractic Initiative Act and BCE regulations are silent regarding telehealth, various other laws regulating telehealth in California are applicable to all health care practitioners. For example:

Business and Professions Code (BPC) section 2290.5 specifies definitions and requirements related to telehealth for all licensed health care practitioners, including chiropractors. This section requires a provider initiating the use of telehealth to inform the patient about the use of telehealth and obtain verbal or written consent from the patient prior to the delivery of health care via telehealth. The section specifies that it shall not be construed to alter the scope of practice of a health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

BPC section 686 specifies that health care practitioners providing services via telehealth shall be subject to the provisions of Section 2290.5 and to the practice act and regulations relating to their respective licensed profession.

BCE does not have data concerning the prevalence of telehealth within the chiropractic profession. Because many aspects of chiropractic care cannot be provided via telehealth, its use is often limited to patient consultations, follow-up visits, and health and wellness coaching.

## Section 8 – Workforce Development and Job Creation

### **59. What actions has the board taken in terms of workforce development?**

BCE has not taken any specific actions related to workforce development.

### **60. Describe any assessment the board has conducted on the impact of licensing delays.**

BCE has not conducted an assessment on the impact of licensing delays. However, BCE management closely monitors licensing staff workload to prevent any delays in processing applications and avoid any negative workforce impacts.

### **61. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.**

Board members and staff regularly engage with chiropractic schools, and BCE frequently holds Board meetings at the three California chiropractic colleges to provide students and faculty with the opportunity to learn about BCE's licensing and enforcement processes, increase their awareness about current licensing and enforcement trends, and interact with the Board.

### **62. Describe any barriers to licensure and/or employment the board believes exist.**

While regulation of the profession in and of itself is a barrier to licensure, the cost of and access to chiropractic education programs present the most significant barriers. All 19 approved chiropractic colleges are private institutions. Currently, there are no chiropractic programs available at public institutions. The cost of obtaining a chiropractic education can be as high as \$250,000. Furthermore, most licensed chiropractors have traditionally been independent practitioners. Larger health care settings such as hospitals employ few, if any, chiropractors, which means there are relatively few employment opportunities available to newly licensed chiropractors. This may deter prospective candidates from choosing to pursue a chiropractic education.

It is also worth noting that the Council on Chiropractic Education (CCE) is the only recognized accrediting body for chiropractic programs in the United States. CCE accreditation is a prerequisite for BCE approval of a chiropractic program. Currently, CCE does not recognize foreign chiropractic programs. Therefore, BCE is unable to issue a license to an applicant who obtained their chiropractic education in another country. This barrier exists throughout the United States. There is no available data to indicate the number of foreign-trained chiropractors who would seek licensure in California if BCE were able to recognize their credentials.

### **63. Provide any workforce development data collected by the board, such as:**

#### **a. Workforce shortages**

Although California's healthcare workforce is facing a severe shortage, BCE is not aware of an unmet demand for licensed chiropractors. On the contrary, and as noted in response to Question 62, above, there appears to be a lack of viable career opportunities for newly licensed chiropractors.

**b. Successful training programs.**

As noted above in response to Question 62, graduation from a CCE-accredited chiropractic program is a prerequisite for licensure. There are currently no alternative pathways to licensure as a doctor of chiropractic in California, such as through a training program.

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**64. What is the status of the board’s implementation of the Uniform Standards for Substance Abusing Licensees?**

For the past several years, BCE has been working on updates to its *Disciplinary Guidelines and Model Disciplinary Orders* and the implementation of the Uniform Standards for Substance Abusing Licensees. At its July 17, 2014 meeting, the Board reviewed and discussed the three options to “trigger” the application of the Uniform Standards: 1) a presumption unless rebutted by the licensee; 2) conducting a clinical diagnostic evaluation of the licensee; or 3) finding evidence establishing the licensee is a substance-abusing licensee after providing notice and conducting a hearing. The Board voted to approve the third option for when the Uniform Standards apply.

BCE staff has been developing a regulation package to update the *Disciplinary Guidelines* and implement the Uniform Standards with the approved “trigger” language. However, after review of the proposed language to amend CCR, title 16, section 384 and the revised *Disciplinary Guidelines* that are being incorporated by reference, staff has determined that additional changes are necessary prior to proceeding with the regulatory process.

Staff plans to collaborate with the Department’s Regulations Unit legal counsel to make necessary updates and revisions to the Board’s *Disciplinary Guidelines* and present proposed language to amend CCR, title 16, section 384, incorporate the revised *Disciplinary Guidelines* by reference, and implement the Uniform Standards to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2022.

**65. What is the status of the board’s implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?**

At its August 29, 2016 meeting, the Board approved proposed language to add or amend 12 sections of BCE’s regulations to establish stricter reporting and disclosure requirements for licensees and applicants and increase the Board’s enforcement authority under the Consumer Protection Enforcement Initiative (CPEI). Following guidance from the Attorney General’s office and DCA’s Office of Legal Affairs, BCE moved forward in its efforts to promulgate these regulations. The CPEI regulation package was submitted to DCA for review in October 2016 and BCE anticipated noticing the regulation package in the second quarter of fiscal year 2016/17.

In January 2017, DCA initiated a new regulatory review process that required changes to the CPEI package. As a result, BCE made the necessary changes and resubmitted the package to DCA in September 2017. In February 2019, DCA legal counsel completed the preliminary review of the package and informed BCE that further revisions were required. In October 2019, DCA commenced the initial phase of the regulatory review process, and in April 2021, DCA informed BCE that additional revisions were required.

BCE staff has been working on the CPEI regulation package and determined that additional changes are necessary to portions of the proposed language prior to proceeding with the regulatory process. To expeditiously move this proposal forward, BCE is dividing it into six smaller regulation packages grouped by general topic. BCE staff plans to work with the Department’s Regulations Unit legal counsel to develop and update proposed language for each of the regulation packages and present

them to the Enforcement Committee, and ultimately the Board, for review and discussion at future meetings in 2022.

**66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.**

**a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?**

No, BCE is not utilizing the BreEZe system. BCE was originally scheduled for Release 3 of the BreEZe system. However, after numerous technical delays and problems with the BreEZe project, BCE and the other Release 3 boards and bureaus were eliminated from the project.

**b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?**

BCE is currently collaborating with DCA OIS and three other programs (California Acupuncture Board; Board for Professional Engineers, Land Surveyors, and Geologists; and Bureau for Private Postsecondary Education) in the first cohort of a Business Modernization Project to develop and implement a new application, licensing, and enforcement system known as "Connect".

Through three phased software releases from September 2020 through June 2021, BCE implemented these licensing functions:

- Initial license applications (doctor of chiropractic and satellite certificates)
- License renewals (doctor of chiropractic and satellite certificates)
- Address changes and cancellation of satellite certificates
- Online payment for all other paper applications

In addition, BCE developed a system-integrated online complaint form for consumers and transitioned all new complaints and investigations to the Connect system effective July 1, 2021, to streamline the complaint intake and investigation process. Through an additional software release in November 2021, BCE added the cite and fine, discipline, and probation monitoring processes to the Connect system.

BCE continues to work directly with OIS and the vendor to implement CE provider and course applications and other system refinements during the final project phase that is planned to be completed in late 2022.

## Section 10 – Board Actions and Responses to COVID-19

### **67. In response to COVID-19, has the board implemented teleworking policies for employees and staff?**

#### **a. How have those measures affected board operations? If so, how?**

In response to COVID-19, in March 2020, BCE implemented teleworking policies for staff. Due to limited resources and the sudden onset of the pandemic, BCE staff initially struggled to get home working environments up and running. Some staff had no equipment and/or inadequate or nonexistent Internet service. In response, processes and workflow were modified and adjusted. The lack of a paperless platform created a unique series of challenges, but staff at all levels were creative and flexible to ensure continuity of BCE's licensing and enforcement functions.

The Licensing Unit developed new procedures to adapt to a telework-centered environment. To ensure work processes were kept up to date, BCE hired three seasonal clerks to assist with office duties, such as processing mail and cashiering payments for applications and license renewals. Enforcement and investigative functions were modified to use telephone or videoconferences to conduct interviews and probation checks.

BCE transitioned board and committee meetings from an in-person format to online videoconferences using the WebEx platform. BCE intends to continue to utilize the WebEx platform for meetings until the State of Emergency is lifted.

The safety and well-being of staff continues to be a daily priority for BCE's management team. Recently, most staff have returned to work in the office. They work staggered schedules in order to reduce the number of staff in the office at the same time. All staff wear protective masks while onsite and comply with physical distancing requirements. Staff members who have not provided proof of vaccination are tested for COVID-19 weekly at DCA headquarters.

BCE continues to update its website, as appropriate, to inform applicants, licensees, and consumers of the impact of COVID-19 on the practice of chiropractic.

### **68. In response to COVID-19, has the board utilized any existing state of emergency statutes?**

#### **a. If so, which ones, and why?**

BCE has not utilized any existing state of emergency statutes.

### **69. Pursuant to the Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?**

Yes, BCE submitted two waiver requests to the Department:

The first request, which was denied, asked for a waiver of Title 16, Division 4, Section 361 of the California Code of Regulations. If granted, this waiver would have temporarily waived 12 hours of classroom/in person CE requirements thereby allowing the entire 24-hour CE requirement to be completed via an online platform.

The second request, which was granted, asked DCA to waive certain requirements that prevented chiropractic colleges from providing courses via distance learning formats. Specifically, the waiver did two things: 1) removed the requirement that lecture classes be at least 50 minutes long; and, 2) removed the requirement that schools may only operate between five and six days per week, and that instructional time must be between 30 and 35 hours per week.

**a. Of the above requests, how many were approved?**

1

**b. How many are pending?**

0

**c. How many were denied?**

1

**d. What was the reason for the outcome of each request?**

Although DCA denied BCE's CE waiver request, the Department did issue a waiver allowing licensees to postpone their 24-hour continuing education requirement until early 2022. In addition, DCA issued a second waiver allowing licensees to complete the 12-hour classroom requirement through courses offered on an interactive video conference platform.

DCA granted BCE's other request and waived restrictions on chiropractic school schedules and class lengths to allow the chiropractic colleges to minimize the impacts of COVID-19 on chiropractic education.

**70. In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers?**

No.

**71. Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?**

Social distancing aimed at curbing the spread of the COVID-19 has required BCE-approved schools to quickly transition from classroom-based formats to distance learning formats. However, educational requirements established by BCE do not fully meet the possibilities of distance education and asynchronous learning, thus restricting the ever-evolving nature of higher education. Due to the pandemic and various challenges faced by the schools, BCE will move forward in efforts to promulgate a regulation that ensures the schools can adapt to changes and continue to provide quality education while protecting the health and safety of students and faculty. BCE anticipates noticing the Approval of Chiropractic Schools and Educational Requirements regulation in FY 2022/23.

## Section 11 – Board Action and Response to Prior Sunset Issues

### Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

### BCE Issue #1 (Long Term Fund Condition)

**Committee Staff Recommendation:** The BCE should explain to the Committees its current fiscal situation and projected budget reserves beyond FY 2014/15. Will the BCE need to consider a fee increase? In addition, the BCE should explain the purpose of the loan from the BAR in FY 2014 and how the BCE is paying it back.

### **BCE Response – March 2017:**

The BCE budget in the near term is stable. The projected fund balance for fiscal year 2017/18 was \$629,000 or 1.7 months in reserve. However, the DCA Budget Office calculated the fund balance based on an assumption that the BCE would expend the entire allotted budget. This assumption is inaccurate because historically the BCE does not expend its entire annual budget resources but reverts unencumbered revenue back to the fund.

The long-term outlook of the budget is structurally unbalanced. Revenue is not keeping pace with expenditures. The BCE anticipates the need for a fee increase

Also, the fund has been depleted faster than in years past due to an annual loan repayment of \$250,000 to the Bureau of Automotive Repair (BAR).

In the last month [February 2017], the Executive Officer (EO) has met with the DCA Budget Office to discuss a short-term plan to monitor the budget and long-term strategy to institute a fee increase. These are ongoing conversations for the EO and he will keep the BCE informed of any changes. The BCE was informed at the February 16, 2017 meeting about the need for a fee increase and the ongoing meetings with the Budget Office.

The inconsistency in budget revenues in fiscal year 2014/15 was due to receipt of a \$2.698 million-dollar loan to satisfy a multi-million dollar judgement resulting from a lawsuit filed by a former employee more than a decade prior. Additionally, in fiscal year 2016/17, the BCE's portion of the state-wide administrative pro rata has increased.

The additional revenue in fiscal year 2014/15 was received through a loan from the BAR.

As of the beginning of fiscal year 2017/18, the BCE repaid \$1.5 million dollars of the \$2.698 million-dollar loan. Pursuant to the MOU with BAR, the BCE will pay at least \$250,000 each fiscal year. However, there is no set schedule for repayment at this time. The MOU with BAR was written to

provide the BCE flexibility in repayment. Furthermore, the BCE has committed to at least a \$250k payment each fiscal year as long as its fund balance reserve remains sufficient to make repayments.

### **2021 Update:**

BCE's annual budget is funded exclusively by the profession through licensing and other regulatory fees. Despite ongoing efforts to closely monitor and limit BCE's expenses, BCE's increasing operating costs (i.e., employee compensation and benefits, statewide and departmental pro rata, enforcement costs, etc.) continue to outpace the annual revenue received through licensing and regulatory fees. Without an increase in revenue, BCE is at risk of becoming insolvent by FY 2023/24. BCE's fund condition is further discussed in Section 12.

### **BCE Issue #2 (Application Processing Timeframes)**

**Committee Staff Recommendation:** The Board should explain to the Committees how it established its internal processing timeframes back in 2011 and if it is considering revising its internal performance expectations for application processing in the future.

### **BCE Response – March 2017:**

BCE licensing staff has remained consistent since the 2011 sunset review. The BCE determined its internal processing time by completing desk audits of licensing staff.

The BCE initial licensing process time averages about 3.5 months. There are times when the process takes place much faster due to submission of a completed application and an applicant quickly taking and passing the jurisprudence exam. In these best cases, a license can be issued in 30 days.

However, in many more cases, applicants submit incomplete applications and take their time to provide the required documentation for submission of the application.

The BCE has a two-part licensing process:

- 1) The first step requires the applicant to submit the application for licensure with a \$100 application processing fee and submit proof of Live Scan or fingerprint cards and requires numerous verification documents for proof of education/training, passage of the national examination, and legal documents if convictions and/or disciplinary actions have been reported. The BCE requires these various documents in order to determine the individual's fitness for licensure. Some of these documents must be received directly from the issuing entity which may cause delays in the licensure process. Once the application is deemed complete, they are eligible to sit for the California jurisprudence examination. An applicant has one-year from the date the application is received by the BCE to qualify to sit for the California jurisprudence examination before their application is abandoned.
- 2) The second step takes place following the approval to sit for the California jurisprudence examination. An approval letter is sent to the applicant advising that they have one-year from the date of the approval letter to obtain their license. During this timeframe, an applicant must take and pass the California jurisprudence examination and submit their pass letter along with a \$100 license fee to the BCE. Examinations are offered throughout the state on weekdays. There are no barriers to gain access to the examination. If these requirements are not met

within one year, the application is deemed abandoned. Therefore, an applicant has up to two years to complete all requirements for licensure.

Processing timeframes can be lengthy due to the manner in which applicants are qualified for licensure rather than actual backlogs in workload. The only way that our timeframes may be shortened is by changing the manner in which applicants qualify for licensure (i.e. requiring passage of the California jurisprudence examination prior to submitting an application for licensure. Applicants have two years following approval to take the jurisprudence exam.

Although there are no backlogs in processing license applications, the BCE will conduct a review of the licensing process to determine if changes are necessary.

Once the review is complete, a modification to internal performance expectations of the licensing program can be considered.

### **2021 Update:**

In September 2020, BCE implemented its new application, licensing, and enforcement system known as "Connect". Through phased software releases from September 2020 through June 2021, BCE implemented initial license applications, license renewals, address changes, cancellation of satellite certificates, and online payment for all other paper applications, in the Connect system. As a result of this business modernization project, BCE's average application processing time has decreased by one month. BCE will continue to assess its licensing timeframes and automate the licensure and renewal processes wherever possible.

### **BCE Issue #3 (National Practitioner Data Bank [NPDB])**

**Committee Staff Recommendation:** The BCE should advise the Committees on whether or not it thinks the use of the NPDB would be beneficial for the BCE and if it could increase the protection of the public. If the cost of continuous query services is too high, the BCE may consider conducting periodic checks of sets of licensees or charging the \$2 at the time of initial license and renewal. The BCE may confer with other boards to gain insight about how other regulatory entities utilize the NPDB.

### **BCE Response – March 2017:**

The National Practitioner Data Bank is a comprehensive repository of information on various topics such as medical malpractice payments and certain adverse actions related to health care practitioners, entities, providers, and suppliers. Although the current information collected by the BCE to make licensing decisions is sufficient, the NPDB collects data that the BCE may not have access to through other resources.

Prior to the hearing, the BCE has researched both the NPDB and DCA programs that have tried to implement a process to utilize the data bank. Following discussions, the BCE decided that it is feasible to include a NPDB query into its licensing process. Utilizing the data bank to query names of new applicants for licensure in California, out-of-state applicants for licensure in California, and applicants who request a reciprocal license in California would not only provide for a more complete review, but it would increase consumer protection. Limiting queries to this smaller group of applicants would ensure that the BCE protects consumers and allow the BCE to continue its licensing functions without a large increase in expenditures.

## **2021 Update:**

Following the last review, BCE researched the NPDB program and inquired about the cost of query services. BCE found that the initial cost to conduct the data bank checks would be \$46,391 plus \$90,350 in ongoing costs, which cannot be absorbed within BCE's existing budget appropriation or revenue projections. As a result, BCE has determined it is feasible to check NPDB for applicants applying for a reciprocal license from another state, as out-of-state applicants may have had disciplinary action taken against them in another state that was not disclosed on their licensure application. This policy allows BCE to protect California consumers without a significant impact to BCE's fund.

## **BCE Issue #4 (Enforcement Timeframes)**

**Committee Staff Recommendation:** Although there has been improvement, the BCE should advise the Committees on its continued efforts to decrease the timeframes. In addition, the BCE should advise the Committees on why it continues to see such high number of complaints against DCs.

## **BCE Response – March 2017:**

The BCE is subject to DCA's department-wide performance measures. These performance measures are the targets the staff uses internally to measure performance regarding enforcement functions.

PM 4 (Formal Discipline) is the average number of days to complete the entire enforcement process for cases resulting in formal discipline. This includes intake, investigation by BCE analysts and DOI, and prosecution by the AG. The DCA sets the performance target for PM 4 at 540 days (18 months). Since 2013, the average number of days for the BCE to complete formal discipline is 1292. However, this number is not indicative of the actual amount of time it takes the BCE to complete its portion of an enforcement case. The aggregate data point for formal discipline is misleading because it fails to distinguish between how long a case is at the BCE before it is sent to the AG and how long the AG's office takes to complete a case.

In FY 2017/18, the BCE had 8 pending enforcement cases that aged over two years. Each of these was a long-term case that was either awaiting a criminal trial or had been moved to the State Attorney General's Office and was awaiting a hearing with the Office of Administrative Hearings (OAH). The BCE did all it can in regard to processing and investigating these cases. Although the BCE no longer had direct control over the handling of the cases at this stage, staff continued to closely monitor their progress and make every effort to move them forward as quickly as possible.

The number of complaints received has been consistent over the last ten years averaging about 500 each year. Throughout this period of time, the BCE's enforcement program has not undergone any major changes. The recent rise in complaints is not an outlier and does not indicate the BCE is experiencing an increase in enforcement activity.

## **2021 Update:**

BCE continues to focus on reducing enforcement timeframes. BCE management closely monitors the status of pending investigations and disciplinary cases and holds weekly case review meetings with Enforcement staff to ensure the timely completion of cases.

Since the last review, the average number of days for BCE to complete formal discipline decreased from 1,292 days to 861 days, and over 75% of BCE's disciplinary cases are closed within two to three years. BCE's target cycle time for discipline is 540 days from receipt of the complaint through the effective date of the disciplinary action. BCE has been unable to meet this target during this reporting period due to factors primarily outside of BCE's control, such as the amount of time it takes for licensee arrests to eventually result in convictions, hearing scheduling with the Office of Administrative Hearings, licensee requests for hearing continuances, and witness availability for hearings.

With the recent implementation of BCE's enforcement functions in the new Connect system, BCE expects further reductions in the enforcement timeframes that are within BCE's control.

The number of complaints received annually by BCE has been comparable to the last review, with the exception of FY 2020/21, when BCE only received a total of 474 complaints. This reduction is believed to be caused by a temporary decrease in patient visits to chiropractic offices and BCE's suspension of continuing education audits due to the COVID-19 pandemic.

### **BCE Issue #5 (CE Audit Targets)**

**Committee Staff Recommendation:** The BCE should discuss the barriers it faces in meeting its CE audit targets. Further, the BCE should discuss potential reasons for the high rates of noncompliance and discuss potential solutions, such as completing more audits or increasing fines for noncompliance.

### **BCE Response – March 2017:**

In order to ensure licensee compliance with the annual license renewal requirement to complete 24 hours of continuing education, staff audits CE documentation provided by licensees. This audit consists of staff randomly selecting individuals who have submitted a license renewal form and sending them a compliance letter requesting that they submit copies of CE certificates of completion. After review, if a licensee is found to be in violation (i.e. not completing the required CE), their file is forwarded to the enforcement unit for further action. A warning letter or citation is then issued based on the severity and past history of the licensee.

During the previous sunset review in 2011, the BCE conducted an analysis of its CE audit program and determined that from 2008 to 2011, the BCE was completing between 900 and 1000 audits a year. Unfortunately, due to staffing changes and competing priorities, the number of audits conducted has dropped.

The BCE will discuss the barriers to conducting more audits with the Licensing/CE Committee members to develop a plan to meet the goals previously set and set stricter penalties for non-compliance. In the meantime, the BCE can utilize the BCE's newsletter, website, and social media to share its intent of enforcing CE requirements more vigorously.

### **2021 Update:**

Following the last review, BCE set a goal to audit 10% of licensees for compliance with the annual CE requirement. From FYs 2017/18 through 2019/20, BCE audited 9.4% of licensees annually and found a total of 531 cases where licenses had failed to comply with the CE requirement. BCE took

appropriate enforcement action against these licensees and issued letters of admonishment or citations and fines for these failed CE audits.

With the onset of the COVID-19 pandemic, the Department issued a waiver that provided licensees with additional time to comply with their annual CE requirement. As a result, BCE temporarily suspended its CE audits beginning in FY 2020/21.

BCE found its goal of auditing 10% of licensees is overly ambitious given BCE's small staff and a lack of technology to enable the audit process to be automated. BCE plans to resume CE audits in spring 2022 at a rate of 5% with a long-term goal of achieving a 100% audit and compliance rate when BCE is able to receive documentation electronically through an automated system.

### **BCE Issue #6 (Breeze Implementation Status: New IT System)**

**Committee Staff Recommendation:** The BCE should update the Committees about its future technology plans including information provided to the BCE by the DCA and any anticipated costs of a new system. In addition, the BCE should explain to the Committees any enforcement or licensing related problems as a result of its current outdated IT system. The BCE should update the Committees on the total amount they anticipate spending on the BreEZe system, which they will not be utilizing. The BCE should update the Committees on where it is in the sequence mentioned above to secure a new IT system.

### **BCE Response – March 2017:**

As of March 2017, the BCE continued working with Office of Information Services (OIS) to find a solution to satisfy the BCE's IT needs. The BCE has completed its first step to initiate the process of establishing a new IT system, which would require the BCE to map out its business processes and determine what the requirements of an IT system must be in order to meet the BCE's needs. The BCE anticipates commencing the five-part process in Q4 2017. The steps include a business justification, cost benefit analysis, alternatives analysis, and fiscal analysis.

In February of 2017, the executive officer met with the DCA Budget Office to discuss the budget. At this meeting, the EO was provided with the most updated budget figures. Through FY 2015/16, the BCE has spent approximately \$275,076 on the BreEZe system without being included in the first two releases and without the current ability to utilize the system. For FY 2016/2017, the BCE has projected BreEZe costs of \$130,308. Projected cost for FY 2017/18 is \$112,000 and projected cost for FY 2018/19 is \$100,000. The BCE is working under the assumption that it will eventually be able to utilize the BreEZe system. Therefore, the BCE is unable to provide a total anticipated cost to procure and utilize the system. If those figures become available, the BCE can report back to the Committees.

Currently, the BCE is not experiencing any backlog in processing licensing or enforcement related material. Due to experienced and dedicated staff, this is possible. However, the inefficiencies created by not being able to accept online payment for licensing related functions like renewals continues to burden staff with excessive paper processing. Staff must cashier and process initial license applications and renewal applications manually because the BCE is beholden to an antiquated IT system. The efficiencies gained by upgrading to a new IT system will increase efficiency and consumer protection.

## **2021 Update:**

The BreEZe program was approved in 2009 and was intended to address deficiencies in DCA legacy systems. BCE was originally scheduled for Release 3 of the BreEZe system and contributed a total of approximately \$502,000 to BreEZe development through FY 2017/18. After technical delays and issues with the BreEZe project, BCE and the other Release 3 boards and bureaus were eliminated from the project. As a result, BCE was reimbursed \$148,000 for the BreEZe program.

In October 2019, BCE launched an online renewal portal to provide licensees with the ability to renew their licenses through BCE's website. Within a short time, more than 50% of licensees transitioned to renewing their licenses online, which greatly reduced the time and resources consumed by BCE's manual, paper-based renewal process.

BCE is currently collaborating with DCA OIS and three other programs (California Acupuncture Board; Board for Professional Engineers, Land Surveyors, and Geologists; and Bureau for Private Postsecondary Education) in the first cohort of a Business Modernization Project to develop and implement a new application, licensing, and enforcement system known as "Connect".

Through three phased software releases from September 2020 through June 2021, BCE implemented these licensing functions:

- Initial license applications (doctor of chiropractic and satellite certificates)
- License renewals (doctor of chiropractic and satellite certificates)
- Address changes and cancellation of satellite certificates
- Online payment for all other paper applications

In addition, BCE developed a system-integrated online complaint form for consumers and transitioned all new complaints and investigations to the Connect system effective July 1, 2021, to streamline the complaint intake and investigation process. Through an additional software release in November 2021, BCE added the cite and fine, discipline, and probation monitoring processes to the Connect system.

BCE continues to work directly with OIS and the vendor to implement CE provider and course applications and other system refinements during the final project phase that is planned to be completed in late 2022. BCE has contributed \$1,006,000 to this new IT system.

## **BCE Issue #7 (Examination Passage Rates)**

**Committee Staff Recommendation:** The BCE should explain to the Committees why it believes the passage rate for the CLEE is low and what concerns the BCE has about the CLEE. What role, if any, is there for the BCE to help ensure individuals seeking licensure are sufficiently knowledgeable in California's laws and the ethics to ensure consumer safety? The BCE should provide the Committees with updated information about the OA and its results.

## **BCE Response – March 2017:**

The average pass rate for 1st time candidates for fiscal year 2007/08 through fiscal year 2010/11 was noted to be 63.5%. For fiscal year 2012/13 through fiscal year 2015/16, the average pass rate increased to 68.8%. According to the DCA Office of Professional Examination Services (OPES), both

average pass rates are comparable to pass rates for law and ethics examinations for other health care professions.

For candidates preparing to take the jurisprudence exam the BCE website provides links to the specific areas of California law tested on the examination. The BCE website also provides a link to the Candidate Handbook for the jurisprudence exam.

In addition to these candidate communications, the BCE works closely with OPES to update the jurisprudence exam on a continuous basis. Beginning January 2017, the BCE shifted its computer-based exam administration from its previous vendor to DCA's computerized test administration vendor, PSI. Candidates are now able to schedule their examination online and take the jurisprudence exam at any of PSI's test administration sites throughout California and the U.S.

At this time the BCE is also working with OPES on a new occupational analysis. The occupational analysis is scheduled to be completed March 2017. Following the completion of the occupational analysis, the content of the jurisprudence exam will be updated to ensure compliance with California Business & Professions Code, section 139 requirements.

### **2021 Update:**

Since the last review, the average pass rate for first-time candidates taking the California Chiropractic Law Examination (CCLE) has been 77.2%. According to DCA's Office of Professional Examination Services (OPES), this average pass rate is comparable to the pass rates for law and ethics examinations for other health care professions.

BCE, in collaboration with OPES conducted an occupational analysis to identify critical job activities performed by California licensed chiropractors. The occupational analysis was part of BCE's comprehensive review of chiropractic practice in California. The purpose of the occupational analysis was to define practice for chiropractors in California in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure. The results of this occupational analysis provide a description of practice for the profession that can then be used as the basis for the licensing examination in California.

BCE selected California licensed chiropractors to participate as subject matter experts (SMEs) during various phases of the occupational analysis. These SMEs were selected from a broad range of practice settings, geographic locations, and experience backgrounds. The SMEs provided information regarding the different aspects of current chiropractor practice during the development phase of the occupational analysis, and they participated in workshops to review the content of task and knowledge statements for technical accuracy prior to administration of the occupational analysis questionnaire. Following administration of the occupational analysis questionnaire, groups of SMEs were convened at OPES to review the questionnaire results, finalize the description of practice, and develop the preliminary examination plan for the CCLE.

Below is an overview of the California chiropractor description of practice content outline:

<b>Content Area</b>	<b>Content Area Description</b>	<b>Percent Weight</b>
I. Patient History	This area assesses the candidate's knowledge of performing a comprehensive patient evaluation.	14%

II. Examination and Assessment	This area assesses the candidate's knowledge of performing physical examinations and evaluations to guide diagnosis and management.	29%
III. Treatment	This area assesses the candidate's knowledge of chiropractic treatments, including the use of physiotherapy modalities and healthy lifestyle counseling.	26%
IV. Laws and Regulations	This area assesses the candidate's knowledge of laws and regulations related to chiropractor practice as documented in the California Business and Professions Code, California Code of Regulations, California Health and Safety Code, and Chiropractic Initiative Act of California.	31%
<b>Total</b>		<b>100%</b>

BCE plans to work with OPES to conduct a new occupational analysis by 2023. Following completion of the occupational analysis, the content of the CCLE will be updated to ensure compliance with BPC section 139 requirements.

#### **BCE Issue #8 (Customer Satisfaction Survey Rates)**

**Committee Staff Recommendation:** The BCE should advise the Committees on whether it has considered the use of social media to increase its survey response rate. If not, the BCE should discuss whether social media can be used for this purpose or what other methods it can use to enhance consumer outreach.

#### **BCE Response – March 2017:**

Currently, the BCE utilizes a consumer satisfaction survey sent to complainants upon closure of a complaint. The notification letters sent out to complainants include a link to an online survey conducted by the Department of Consumer Affairs and a pre-paid postcard version of the same survey.

Annually, the BCE sends out approximately 100 surveys from which it receives a handful of responses. Historically, healing arts board's response rates for this type of survey have been low. The BCE is no different. For various reasons, many complainants do not respond to the survey. Many of those who respond are dissatisfied with the result of a complaint or fail to respond for a lack of interest in further engagement with the BCE. It is difficult for the BCE to draw additional conclusions from the information gained from the minimal number of survey responses received.

The BCE does not have a "general" consumer response survey available for the general public to engage. The BCE utilizes one survey to gain consumer feedback following the conclusion of a complaint. In this case, it would not make sense to use social media to increase survey response rates as we would be reaching individuals who have not personally interacted with the BCE. However, the BCE has discussed the possible development of an online "general" consumer satisfaction survey that would be available to interested persons on the BCE's website. This would allow the BCE to gather additional data regarding public perception and enable it to provide overall better customer service to California consumers.

## **2021 Update:**

BCE solicits feedback on its enforcement process by including a link to an online complaint process survey conducted by the Department in the closure letters that are sent to complainants at the conclusion of its enforcement cases. Since the last review, BCE sent notifications about the survey to approximately 800 complainants and received a total of 10 responses. In the survey responses, two complainants expressed their satisfaction with BCE's complaint process and eight complainants expressed their dissatisfaction with BCE's handling of their complaint. Due to the low survey response rate, it is difficult for BCE to draw meaningful conclusions from the survey results.

To increase survey response rates, BCE management is considering the development of a general customer satisfaction survey that would be available to stakeholders with a link available on BCE's website and in staff's email signature blocks.

### **BCE Issue #9 (KTVU FOX2 News Article: Ensuring Consumer Protection and Enhancing Consumer Outreach)**

**Committee Staff Recommendation:** The BCE should discuss barriers it faces when learning of convicted licensees who are released early from correctional institutions, such as a lack of DOJ or court notice. The BCE should advise the Committees if there are shortfalls in its enforcement process and if there are any potential legislative remedies.

### **BCE Response – March 2017:**

Our top priority is to ensure consumer protection. We take this mandate seriously and do everything within our authority to make sure the health, welfare, and safety of the public is protected.

In February 2017, BCE staff encountered a situation in which a licensee was sentenced to two years in prison but was released early with time served. The BCE was not immediately notified upon the individual's release and the licensee was able to resume practicing before the BCE was able to impose discipline or place restrictions on the license. When a licensee is arrested and the BCE believes the individual is a threat to consumers, a PC 23 hearing is requested and the BCE can, and usually does request a temporary suspension of a license or restrictions on the license.

Within this PC 23 process, the Deputy Attorney General (DAG) who represents the interest of the BCE establishes or negotiates terms for the suspension and/or restriction of the license. Most PC 23's include language stating, "These restrictions shall apply to the defendant's chiropractic license until the conclusion of the pending criminal and administrative matter." However, what is ultimately included in the PC 23 is at the discretion of the judge who is hearing the request.

In this case, the PC 23 only stated "these restrictions shall apply to the defendant's chiropractic license until the conclusion of the pending criminal matter." Therefore, the early release from prison coincided with a termination of the restrictions on his license.

Due to a court employee strike, the early release from prison was not relayed to the BCE or its attorney in a timely manner.

There were events that prevented the timely and efficient transfer of information regarding the status of this particular individual. The BCE relies on the DAG to provide status updates. The DAG represents the BCE's interest before the courts and is the appropriate person from whom to seek

information. Because the court employee strike prevented the timely transfer of this critical information to the DAG, the BCE was unable to intervene when the licensee was released from jail and able to resume practicing. As soon as the BCE became aware of this situation, it worked closely with the DAG to obtain a suspension order which prohibited the licensee from practicing pending the outcome of the BCE's administrative process.

The BCE analyst handled this case conscientiously and was diligent about requesting monthly updates on the status of the case throughout the duration of this case cycle. Additionally, before the individual was sentenced to prison and while the PC 23 was in place, BCE investigators regularly visited the individual's chiropractic office to ensure compliance with the suspension order.

In order to prevent something like this from happening again, the BCE will work with the Department of Justice to continue requesting that all PC 23's place restrictions on a suspended license through the conclusion of both criminal and administrative matters. We will also establish early and ongoing communication with the District Attorney prosecuting the criminal matter to ensure they are aware of the BCE's interest in the matter. This will ensure that there is no gap on license restrictions between the time a criminal matter concludes and the end of the administrative (enforcement) process.

**2021 Update:**

BCE continues to closely track and monitor licensee arrests and convictions and proactively collaborates with the Attorney General's office to pursue PC 23 practice suspensions and restrictions, interim suspension orders, and petitions for mental and physical evaluations to protect the health, welfare, and safety of California consumers.

## Section 12 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board’s recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

### 1. Issues raised under prior Sunset Review that have not been addressed.

These issues have been addressed in Sections 10 and 11 of this report.

### 2. New issues identified by the board in this report.

#### BCE’s Fund Condition and Need for a Statutory Fee Increase

BCE’s annual budget is funded exclusively by the profession through licensing and other regulatory fees, and BCE’s current budget is structurally imbalanced. Despite BCE’s ongoing efforts to closely monitor and limit BCE’s expenses, BCE’s increasing operating costs (i.e., employee compensation and benefits, statewide and departmental pro rata, enforcement costs, etc.) continue to outpace the annual revenue received through licensing and regulatory fees.

Based on current projections, BCE will have a 0.7-month reserve balance at the end of FY 2022/23, and without an increase in revenue, BCE is at risk of becoming insolvent in FY 2023/24. To avoid insolvency, BCE needs to increase fees in FY 2022/23.

In order to substantiate budget concerns and determine a factual basis for any future increase in fees charged to licensees, the Board contracted with Matrix Consulting Group. They were tasked with conducting a fee audit to assess the current fees charged and determine what the fees should be based upon actual workload and expenditures. Following their study of BCE, Matrix Consulting Group concluded that BCE is under-recovering its costs by approximately \$1.4 million and the majority of these costs relate to CE applications.

The anticipated fee changes are specified in the table below. A detailed description of the fee changes can be found in the fee study report prepared by Matrix Consulting Group (Section 13, Attachment C-III).

Fee Name	Current Fee	Total Cost Per Unit	Surplus / (Deficit) per Unit
Biennial continuing education provider fee	\$56	\$118	(\$62)
Continuing education provider application fee	\$84	\$291	(\$207)
Continuing education course application fee	\$56	\$558	(\$502)
Corporation registration application fee	\$186	\$171	\$15
Corporation special report filing fee	\$31	\$98	(\$67)

Corporation renewal filing fee	\$31	\$62	(\$31)
Corporation duplicate certificate fee	\$50	\$70	(\$20)
Duplicate license fee	\$50	\$71	(\$21)
Initial license fee	\$186	\$137	\$49
License application fee	\$371	\$345	\$26
License certification / Out-of-state license verification	\$124	\$83	\$41
License renewal fee	\$313	\$336	(\$23)
Petition for early termination of probation or reduction of penalty fee	\$371	\$3,195	(\$2,824)
Petition for reinstatement of a revoked license fee	\$371	\$4,185	(\$3,814)
Preceptor fee	\$31	\$72	(\$41)
Reciprocal license application fee	\$371	\$283	\$88
Referral service application fee	\$557	\$279	\$278
Satellite certificate application fee	\$62	\$69	(\$7)
Satellite certificate renewal fee	\$31	\$50	(\$19)
Satellite certificate replacement fee	\$50	\$71	(\$21)

### 3. New issues not previously discussed in this report.

#### **BCE's Proposal to Amend BPC Section 1007, subdivision (c)**

Senate Bill 1448 (Hill, Chapter 570, Statutes of 2018), known as the Patient's Right to Know Act of 2018, added BPC section 1007, which requires licensees placed on probation by the Board on or after July 1, 2019, to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the Board, the Board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the Board's online license information Internet Web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation.

BPC section 1007, subdivision (c), specifies the exemptions to this patient notification requirement:

- 1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.
- 2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities.

- 3) The licensee who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.
- 4) The licensee does not have a direct treatment relationship with the patient.

To strengthen the consumer protection provided by this mandatory patient notification requirement, BCE requests the Legislature consider removing the following exemptions from this requirement:

- The visit occurs in an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities; and
- 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.

These exemptions are not applicable to doctors of chiropractic and can be misused by licensees to avoid notifying patients of their probationary status.

***Proposed Language to Amend Business and Professions Code section 1007, subdivision (c):***

**§ 1007.** (a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information Internet Web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019.

(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

(c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a) if any of the following applies:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.

~~(2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities.~~

~~(3) The licensee who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.~~

~~(4) The licensee does not have a direct treatment relationship with the patient.~~

(d) On and after July 1, 2019, the board shall provide the following information, with respect to licensees on probation and licensees practicing under probationary licenses, in plain view on the licensee's profile page on the board's online license information Internet Web site.

(1) For probation imposed pursuant to a stipulated settlement, the causes alleged in the operative accusation along with a designation identifying those causes by which the licensee has expressly admitted guilt and a statement that acceptance of the settlement is not an admission of guilt.

(2) For probation imposed by an adjudicated decision of the board, the causes for probation stated in the final probationary order.

(3) For a licensee granted a probationary license, the causes by which the probationary license was imposed.

(4) The length of the probation and end date.

(5) All practice restrictions placed on the license by the board.

(e) "Board" for purposes of this section means the State Board of Chiropractic Examiners.

*(Added by Stats. 2018, Ch. 570, Sec. 2. (SB 1448) Effective January 1, 2019.)*

#### **4. New issues raised by the Committees.**

There are no new issues to discuss at this time.

## Section 13– Attachments

Please provide the following attachments:

- A. Board’s administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
  - I. *Board of Chiropractic Examiners Occupational Analysis of the Chiropractor Profession*, Department of Consumer Affairs Office of Professional Examination Services, March 2017
  - II. *Review of the National Board of Chiropractic Examiners Examinations*, Department of Consumer Affairs Office of Professional Examination Services, April 2018
  - III. *Board of Chiropractic Examiners Fee Study*, Matrix Consulting Group, December 2021
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).
- E. Performance Measure Reports

**Agenda Item #15  
December 16, 2021**

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**Update, Discussion and Possible Action on Pending Rulemaking**

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**Purpose of the item**

The Board will receive a status update on pending regulatory proposals.

**Action(s) requested**

N/A

**Background**

The Board currently has multiple regulatory proposals in various stages of completion.

On November 22<sup>nd</sup>, 2021 the Board's Denial of Application, Revocation or Suspension of Licensure regulation was approved by the Office of Administrative Law and went into effect immediately.

Additionally, staff are actively working on changes to the CPEI and Uniform Standards and Disciplinary Guidelines regulations.

**Recommendation(s)**

N/A

**Attachment(s)**

1. BCE Regulation Tracking sheet
2. BCE Regulation Summary sheet
3. DCA Regulation Review Process sheet

## Regulation Tracking Sheet

	<b>Group A – Legislatively Mandated</b>	<b>DCA &amp; BCE Review Process</b>	<b>Status</b>
1	Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	<b>Step 12 Final Phase</b>	Regulation was approved by OAL on 11/22/2021. Effective on 11/22/2021.
2	Consumer Protection Enforcement Initiative	<b>Step 7 Initial Phase</b>	DCA Legal review completed. Rulemaking file is with the Board for further revisions.
3	Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board.
	<b>Group B</b>		<b>Status</b>
1	Revisions to Curriculum requirements and approval of programs (CCR Article 4, Sections 330 – 331.16)	<b>Step 3 Initial Phase</b>	Rulemaking file under development at the Board. Language approved on 7.16.20.
2	Continuing Education Requirements (CE Provider and Course Approval) / Mandatory Cardiopulmonary Resuscitation (CPR) Certification for all licensees	<b>Step 2 Initial Phase</b>	Rulemaking file under development at the Board. Committee is currently working through policy issues regarding this regulatory proposal.
3	Delegation of Authority to the Assistant Executive Officer / Compliance with Citation and Order of Abatement	<b>Step 7 Initial Phase</b>	DCA Legal review completed. Rulemaking file is with the Board for further revisions.
	<b>Group C</b>		<b>Status</b>
1	Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity of Licensee	<b>Step 2 Initial Phase</b>	Approved rulemaking process 4.16.15
2	Amend or Repeal CCR Section 354 - Successful Examination (Obsolete provision)		Not commenced

## Regulation Summary Sheet

<b>Proposed Regulation</b>	<b>Proposed Change(s)</b>
Denial of Application, Revocation or Suspension of Licensure (CCR Sections 316.5, 321, 326 and 327)	Effective July 1, 2020, the BCE's application for licensure, as well as other existing regulations, will be amended to comply with new legislation, AB 2138 (Chiu, Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction - Stats. 2018, Ch. 995), which will limit the Board's discretion in using prior criminal history (convictions or underlying acts) as grounds for licensing determinations and establish new prohibitions relating to the denial, suspension, and revocation of licensure. Additionally, the BCE will need to develop denial criteria, review and amend existing rehabilitation criteria.
Consumer Protection Enforcement Initiative	The proposed changes would add or amend 12 sections within the California Code of Regulations that would establish stricter reporting and disclosure requirements by licensees and applicants and increase the BCE's enforcement authority and access to critical information for use in investigations.
Revisions to BCE Disciplinary Guidelines & Uniform Standards for Substance Abusing Licensees	The BCE's Disciplinary Guidelines are being revised to streamline the enforcement process and provide greater protection to consumers. Additionally, the BCE will need to review and possibly amend the SB 1441 Uniform Standards for Substance Abusing Licensees. Ultimately, the Uniform Standards will be incorporated by reference into the Board's Disciplinary Guidelines.
Revisions to Curriculum requirements and approval of programs (CCR Article, Sections 330 - 331.16)	Language presented to full Board for review and vote on 7.16.20.
CE Requirements (CE Provider and Course Approval)	TBD
Delegation of Authority to the Assistant Executive Officer	The proposed regulation would delegate to the Board's Assistant Executive Officer the authority to approve settlement agreements for revocation, surrender, and interim suspension of a license, or allow the Executive Officer to delegate this function to another designee.
Chiropractic Records Retention/Disposition of Patient Records Upon Closure of Practice or Death/Incapacity Licensee (Amendment to CCR Sections 312.2 and 318)	TBD
Amend or Repeal CCR Section 354 Successful Examination (Obsolete provision)	TBD

**Department of Consumer Affairs - Regulation Review Process**  
**INITIAL PHASE**

Step	Responsible Person/Entity	Required Action
1	<b>BCE Staff &amp; DCA Legal Counsel</b>	Work together on proposed regulation text that is subject to EO's initial approval
2	<b>BCE Board Members</b>	Vote on proposed text and direct staff to begin regulation process.
3	<b>DCA Legal Counsel</b>	Reviews regulation documents and returns to BCE Staff with approval or suggested changes. Legal Affairs notifies the DCA Regulations Coordinator of the status.
4	<b>BCE Staff</b>	Compile four complete hard copy sets of the regulation package and submit to DCA Regulations Coordinator.
5	<b>DCA Regulations Coordinator</b>	Begins DCA initial review process
6	<b>DCA Legal Affairs Division, Legislative Affairs Division, and Budget Office</b>	Review regulation documents.
7	<b>DCA Legal Affairs Division</b>	Chief Counsel Reviews regulation documents
8	<b>DCA Legislative Affairs Division</b>	Deputy Director reviews regulation documents
9	<b>DCA Executive Office</b>	Director reviews regulation documents.
10	<b>Business, Consumer Services, &amp; Housing Agency</b>	Agency Secretary reviews regulation documents.
11	<b>DCA Regulations Coordinator</b>	Logs return of proposed regulation documents from Agency and notifies BCE of approval or concerns & suggested changes
12	<b>BCE Staff</b>	Submits Rulemaking File to the Office of Administrative Law for Notice/PUBLICATION. (If any changes to language last approved by the Board are needed, a vote by the Board may be necessary). 45-Day Public Comment Period begins on date of PUBLICATION.
13	<b>BCE Staff</b>	Receives written comments submitted during the 45-Day Public Comment Period; schedules Public Hearing if requested.

**Department of Consumer Affairs - Regulation Review Process  
FINAL PHASE**

Step	Responsible Person/Entity	Required Action
1	<b>BCE Staff &amp; Board Members</b>	Staff review and summarize comments received during 45-day public comment period/hearing. Board Members discuss comments at a public Board Meeting and determine whether to 1) amend the language and issue 15-day public comment period <b>or</b> 2) adopt the proposed text.
2	<b>BCE Staff</b>	Upon adoption of language, staff completes final rulemaking binder and delivers to DCA Legal.
3	<b>DCA Legal Affairs Division</b>	Rulemaking binder is logged and forwarded to BCE's Assigned Legal Counsel
4	<b>DCA Regulations Coordinator</b>	Facilitates review by DCA's Budget Office and the Department of Finance
5	<b>DCA Legal Affairs Division</b>	Binder reviewed by Assistant Chief Legal Counsel
6	<b>DCA Legislative Affairs Division</b>	Binder reviewed by Deputy Director
7	<b>DCA Executive Office</b>	Binder reviewed by Director
8	<b>Business, Consumer Services, &amp; Housing Agency</b>	Binder reviewed by Agency Secretary
9	<b>DCA Regulations Coordinator</b>	Completes closing paperwork and returns binder to BCE with final approval
10	<b>BCE Staff</b>	Submits final rulemaking file to the Office of Administrative Law for review.
11	<b>Office of Administrative Law</b>	Reviews rulemaking file for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.
12	<b>BCE</b>	<b>If approved:</b> Rulemaking is complete; language takes effect on next effective date or date requested. <b>If disapproved:</b> Board Members decide whether to amend and resubmit or withdraw the regulatory package.

**Discussion and Possible Action on the Use of a Satellite Certificate and a Pocket License (CCR Section 308)**

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**Purpose of the item**

The Board will discuss whether a regulatory change is needed to clarify the use of a Satellite Certificate and a Pocket License

**Action(s) requested**

If action is warranted, the subject should be referred to the proper Committee.

**Background**

Cal. Code of Regulations Section 308 requires a Doctor of Chiropractic with more than one place of practice to obtain a Satellite Certificate for each additional place of practice. The parameters of the permanency of a “place of practice” are not clearly defined. A place of practice can be temporary, such as filling in for another Doctor of Chiropractic for a day or a few weeks, a weekend sporting event, house calls, mobile practice, etc. The regulations are also silent as to the proper use of a pocket license. Depending on the circumstances, adequate time is not always given to apply for and receive a satellite license for these temporary places of practice.

**Recommendation(s)**

No recommendations at this time.

**Next Step**

N/A

**Attachment(s)**

- CCR Section 308

**§308. Display of License.**

(a) Each person holding a license shall display a current active license in a conspicuous place in the licensee's principal office or primary place of practice.

(b) Any licensed Doctor of Chiropractic with more than one place of practice shall obtain from the Board a Satellite Office Certificate for each additional place of practice. Said certificate must be renewed annually.

(c) A licensed Doctor of Chiropractic must display in a conspicuous place a current active Satellite Office Certificate at the office for which it was issued.

No licensed Doctor of Chiropractic shall display any chiropractic license, certificate or registration, which is not currently active and valid.

**Agenda Item #17  
December 16, 2021**

**Election of Board Officers for 2022. The Board Will Initiate Nomination Procedures for Board Officer Positions: Chair, Vice Chair, and Secretary.**

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**Purpose of the item**

The Board will nominate individuals for consideration to serve in the Board Officer positions of Chair, Vice Chair, and Secretary.

**Action(s) requested**

The Board will be asked for personal nominations or to nominate another Board Member to serve as a Board Officer in the positions of Chair, Vice Chair, and Secretary.

**Background**

At the August 8, 2018 Board meeting, Board Members voted to initiate the nomination process to elect Board Officers at the last public meeting of the year. The Board also voted on the Board Officer election process.

**Recommendation(s)**

N/A

**Next Step**

The election for Board Officers will be held at the first public Board Meeting of 2022.

**Attachment(s)**

- Procedures for Nominating and Electing Board Officers Document
- Roll Call Sheet

## **Board of Chiropractic Examiners**

### **Procedure for Nominating Board Officers as Voted on by the Full Board**

#### **Nomination:**

- Legal counsel will preside over the Nomination of Board Officers.
- Board members will be asked to nominate or self-nominate for each officer position. If nominated for a position by another Board member, the nominee will be asked if they accept the nomination.
- Nominations will occur by officer position; starting with the Chair, Vice Chair, and Secretary.
- Nominations will be held in alphabetical order with the current Chair nominating last.
- Nominees shall provide their statement of qualifications to the Board at the first meeting of the year, in which elections shall take place.

## **Board of Chiropractic Examiners**

### **Roll Call for the Nomination of Officers**

Names are listed in alphabetical order with the Chair being last.

**December 16, 2021**

- Laurence Adams, D.C.
- Pamela Daniels, D.C.
- Janette Nunez-Villar Cruz
- David Paris, D.C., Vice Chair
- Rafael Sweet
- Dionne McClain, D.C., Chair

**Agenda Item #18  
December 16, 2021**

**Proposed Board Meeting Schedule  
January – December 2022**

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**Purpose of the item**

The Board will review and approve meeting dates for 2022.

**Action(s) requested**

Board approval of meeting dates for the 2022 calendar year.

**Background**

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

**Recommendation(s)**

Staff recommends the Board approve five (5) meeting dates in 2022 within the following periods:

- January 18 – 31, 2022
- February 28, 2022 – March 18, 2022
- May 23, 2022 – June 10, 2022
- August 1-19, 2022
- October 17, 2022 – November 4, 2022

**Next Step**

N/A

**Attachment(s)**

- 2022 Proposed Board Meeting Schedule/Calendar

# 2022 Calendar

## January

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	<del>17</del>	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

## February

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	<del>21</del>	22	23	24	25	26
27	28	1	2	3	4	5

## March

Su	Mo	Tu	We	Th	Fr	Sa
27	28	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	<del>31</del>	1	2

## April

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

## May

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	<del>30</del>	31	1	2	3	4

## June

Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

## July

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	1	2
3	<del>4</del>	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

## August

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

## September

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	<del>5</del>	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

## October

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

## November

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	<del>11</del>	12
13	14	15	16	17	18	19
20	21	22	23	<del>24</del>	<del>25</del>	26
27	28	29	30	1	2	3

## December

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
<del>25</del>	<del>26</del>	27	28	29	30	31

### Key

Red = Holiday

X = Conflicts, dates unavailable

Highlight = Recommended date period

## **List of Holidays 2022**

- January 1, 2022: New Year's Day
- January 17, 2022: Martin Luther King Jr. Day (Office closed)
- February 21, 2022: Presidents' Day (Office closed)
- March 31, 2022: César Chávez Day (Office closed)
- May 30, 2022: Memorial Day (Office closed)
- July 4, 2022: Independence Day (Office closed)
- September 5, 2022: Labor Day (Office closed)
- November 11, 2022: Veterans Day (Office closed)
- November 24, 2022: Thanksgiving Day (Office closed)
- November 25, 2022: Thanksgiving Day Observed (Office closed)
- December 25, 2022: Christmas Day
- December 26, 2022: Christmas Day Observed (Office closed)