



## **NOTICE OF TELECONFERENCE LICENSING & CONTINUING EDUCATION COMMITTEE MEETING**

### **Committee Members**

Dionne McClain, D.C., Chair  
Laurence Adams, D.C.  
David Paris, D.C.

**The Board of Chiropractic Examiners' (Board) Licensing & Continuing Education Committee will meet by teleconference on:**

**Wednesday, February 9, 2022**

**1:00 p.m. to 3:00 p.m.**

(or until completion of business)

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

**Note:** Pursuant to the statutory provisions of Government Code section 11133 and Executive Order N-1-22, neither a public location nor teleconference locations are provided. Due to potential technical difficulties or time constraints, members of the public may also submit written comments to the Board on any agenda item by Monday, February 7, 2022. Written comments should be directed to [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov) for Board consideration.

**Important Notice to the Public:** The Committee will hold a public meeting via Webex Events. To access and participate in the meeting, please click on, or copy and paste into a URL field, the link below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=medfea5a0771fb8deda9e9c25ee421f6c>

### **If joining using the link above**

Event number: 2490 487 9436

Event password: BCE02092022

### **If joining by phone**

+1-415-655-0001 US Toll

Access code: 249 048 79436

Passcode: 22302092

Instructions to connect to the meeting can be found at the end of this agenda.

## **AGENDA**

- 1. Call to Order / Roll Call / Establishment of a Quorum**
- 2. Review and Approval of June 17, 2021 Committee Meeting Minutes**

**3. Discussion and Possible Action in Response to the January 11, 2022 Waiver Issued by the Director of the Department of Consumer Affairs [DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#) and on the Board's Continuing Education Requirements (California Code of Regulations, Title 16, Sections 360-366)**

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

Note: Members of the public may offer public comment for items not on the agenda. However, the Committee may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).]

**5. Future Agenda Items**

Note: Members of the Committee and the public may submit proposed agenda items for a future Committee meeting. However, the Committee may not discuss or take action on any proposed matter except to decide whether to place the matter on the agenda of a future meeting. [Government Code Section 11125.]

**6. Adjournment**

This agenda can be found on the Board's website at [www.chiro.ca.gov](http://www.chiro.ca.gov). The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board and its committees are open to the public.

The Board plans to webcast this meeting. To view the webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be canceled if webcast is not available. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to it taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Members of the public will not be permitted to yield their allotted time to other members of the public to make comments. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

This meeting is being held via Webex Events. The meeting is accessible to individuals with disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting the Board at:

**Telephone:** (916) 263-5355

**Email:** [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov)

**Telecommunications Relay Service:** Dial 711

**Mailing Address:**

Board of Chiropractic Examiners

1625 N. Market Blvd., Suite N-327

Sacramento, CA 95834

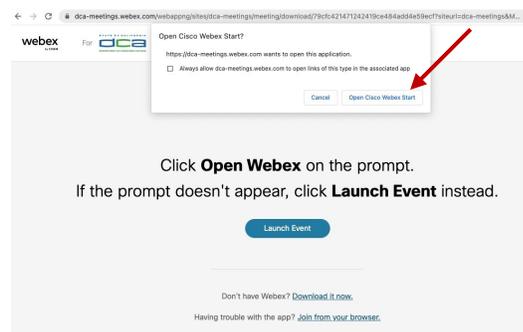
Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

### If joining using the meeting link

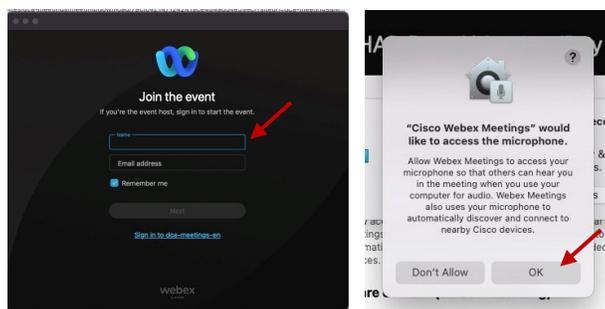
1 Click on the meeting link. This can be found in the meeting notice you received.

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.



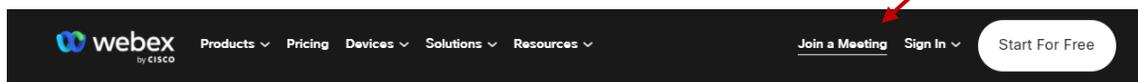
3 Enter your name and email address. Click “Join as a guest”. Accept any request for permission to use your microphone and/or camera.



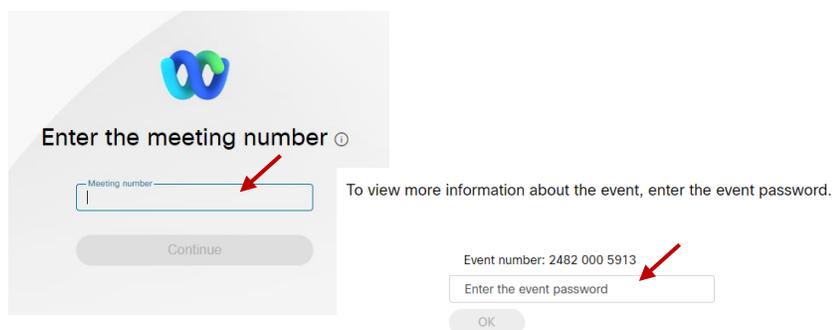
OR

### If joining from [Webex.com](https://www.webex.com)

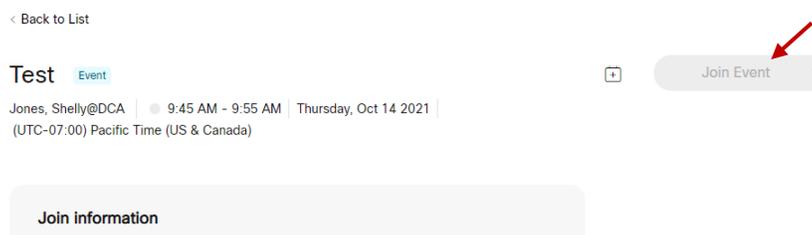
1 Click on “Join a Meeting” at the top of the Webex window.



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”.



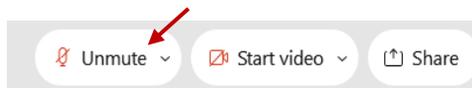
OR

### 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.

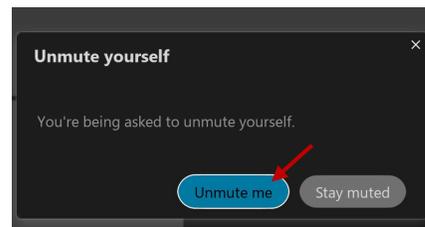


Green microphone = Unmuted: People in the meeting can hear you.



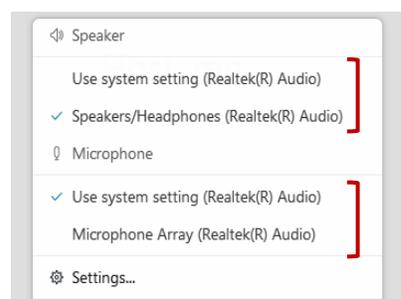
Red microphone = Muted: No one in the meeting can hear you.

*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”.*



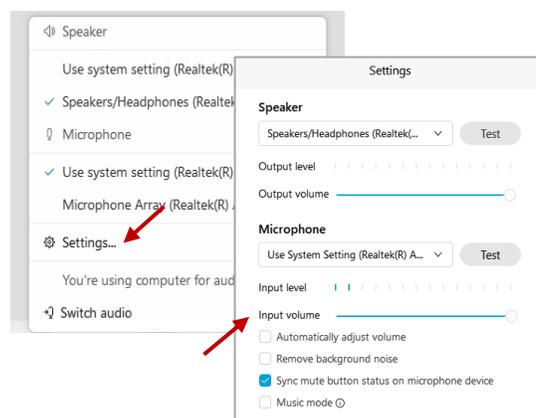
### If you cannot hear or be heard

- 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

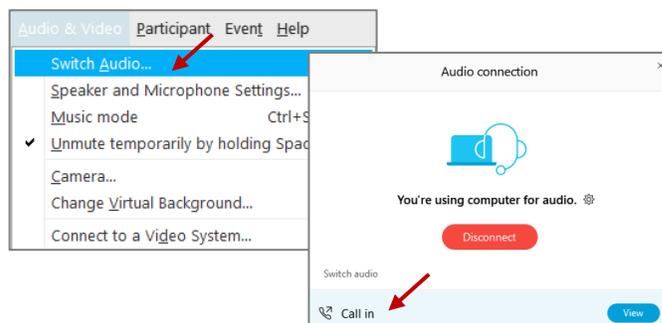
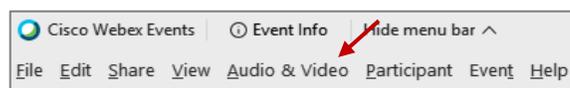
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on “Settings...”:
  - Drag the “Input Volume” located under microphone settings to adjust your volume.



### 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.

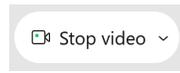
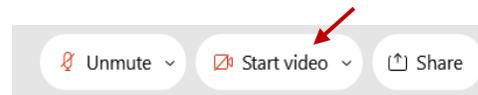
- 1 Click on “Audio & Video” from the menu bar.
- 2 Select “Switch Audio” from the drop-down menu.
- 3 Select the “Call In” option and following the directions.



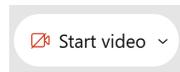
### Web Camera

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.



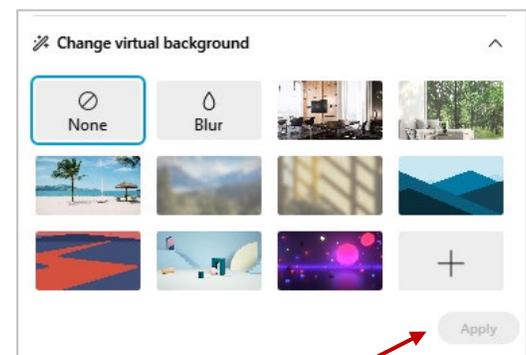
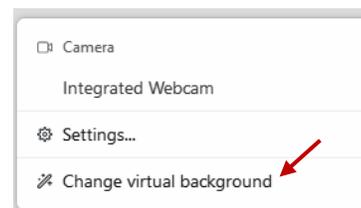
Green dot in camera = Camera is on: People in the meeting can see you.



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

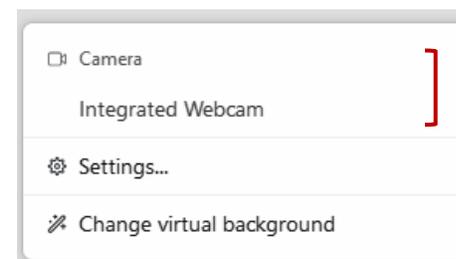
### Virtual Background

- 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.





**Agenda Item 2**  
**February 9, 2022**

**Review and Approval of June 17, 2021 Committee Meeting Minutes**

**Purpose of the Item**

The Licensing & Continuing Education Committee will review and approve the minutes of the previous Committee meeting.

**Action Requested**

The Committee will be asked to make a motion to approve the June 17, 2021 Committee meeting minutes.

**Attachment**

- June 17, 2021 Licensing & Continuing Education Committee Meeting Minutes (Draft)



**BOARD OF CHIROPRACTIC EXAMINERS  
LICENSING & CONTINUING EDUCATION COMMITTEE  
MEETING MINUTES  
June 17, 2021**

In accordance with [Executive Order N-29-20](#), issued by Governor Gavin Newsom on March 17, 2020, the Licensing & Continuing Education Committee of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on June 17, 2021.

**Committee Members Present**

Dionne McClain, D.C., Chair  
Laurence Adams, D.C.  
David Paris, D.C.

**Staff Present**

Robert Puleo, Executive Officer  
Dixie Van Allen, Licensing & Administration Manager  
Amanda Campbell, Enforcement Analyst  
Michael Kanotz, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

**1. Call to Order & Establishment of a Quorum**

Dr. McClain called the meeting to order at 10:00 a.m. Dr. Paris called the roll. All members were present and a quorum was established.

**2. Approval of May 7, 2021, Meeting Minutes**

**Motion: Dr. Paris moved to approve the minutes of the May 7, 2021 Licensing & Continuing Education Committee Meeting.**

**Second: Dr. Adams seconded the motion.**

Discussion: Dr. McClain requested clarification regarding the sentence on page three of the draft minutes that reads: "Dr. McClain was concerned about creating a list as it would hem in the creativity of providers." Dr. McClain questioned whether the sentence accurately reflects the statement she articulated or if a typographical error was made when preparing the minutes. Mr. Puleo indicated staff is generally very accurate when drafting the meeting minutes, but he is unable to verify what was actually said during the meeting without going back and checking the recording. Dr. McClain suggested deferring this item to a future committee meeting to ensure the accuracy of the minutes.

**Dr. Paris withdrew his motion.**

Public Comment: There were no public comments.

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

There were no public comments.

### **4. Review, Discussion and Possible Action to Article 6. Continuing Education Sections 363.1 – 366**

Dr. McClain explained the Committee will review and discuss proposed changes to California Code of Regulations (CCR), title 16, sections 363.1-366, and opened the discussion by asking if there were any comments or questions on CCR, title 16, section 363.1 (Distance Learning).

Dr. McClain asked if periodic testing should also be included with the timekeeping mechanisms identified in CCR, title 16, section 363.1, subdivision (d), to ensure the validity and integrity of attendee participation. Mr. Puleo replied that periodic testing was specific to synchronous training to provide confirmation that the attendee was continuously logged into the course.

Dr. McClain moved to CCR, title 16, section 363.2 (Continuing Education Course Cause for Withdrawal). Dr. Paris commented that the proposed language for subdivision (a)(1) and (2) of this section should allow the Board to withdraw approval of a course based on a conviction or disciplinary action against the “instructor or continuing education provider” because those are often separate roles. Dr. McClain concurred with Dr. Paris. Mr. Puleo noted this provision was not included in the causes for denial as a continuing education (CE) provider and explained it may be problematic to include the provider as: they are often corporations, larger entities, or schools, not licensees; and the Board cannot get criminal background information on them, and instead, must rely on self-reporting. Dr. McClain acknowledged Mr. Puleo’s concerns but questioned why it would not be beneficial to include the provision to cover the situations where the Board would have recourse. Mr. Puleo indicated he would have to defer to legal counsel but equated the situation to the Board’s approval of chiropractic colleges and advised it may be difficult to try to regulate law violations by individuals that are not within the Board’s jurisdiction.

Dr. Adams pointed out the Board currently places the burden on the providers to ensure they get appropriate instructors, as does the Federation of Chiropractic Licensing Boards (FCLB) PACE program, but suggested including a provision that provides grounds for denial or withdrawal if the information comes to the attention of the Board. Ms. Van Allen explained the regulatory language may not pass through the Office of Administrative Law (OAL), as the Board would be holding licensees who are providers or instructors to a higher standard in the CE regulations than the rest of the providers and instructors who are not regulated by the Board. Mr. Puleo agreed with Ms. Van Allen.

Dr. Paris disagreed and indicated by including that provision in the regulations, the Board would be holding licensees to a standard while acknowledging it cannot control or

affect unlicensed individuals. Dr. Adams concurred with Dr. Paris. Mr. Puleo explained if the Board received an arrest or conviction notification involving a licensee, the Board would open an investigation, and if the matter is substantially related to the practice of chiropractic, the Board would discipline their chiropractic license. He added if the Board also took away the licensee's provider or instructor approval, it would create a separate standard that would not apply to non-licensees, and OAL may have concerns about the legality of it. Dr. Paris reiterated his suggestion that both instructors and CE providers be identified in the language to fully capture those who submit CE courses for approval. Drs. McClain and Adams agreed.

Dr. McClain suggested distinguishing instructors and providers who are licensees. Dr. Adams agreed and explained there are some CE providers who are also the instructors for the courses they submit and there are others who are solely providers or instructors. Dr. Adams cautioned that if providers are not included in the language, there could be a situation where a provider who has been convicted or disciplined is still able to submit courses for approval and stated he does not think that would be consistent with the spirit of the regulation. Mr. Puleo indicated staff can make the change but will also have to go back and amend CCR, title 16, sections 362, 362.2, 362.3, and 362.4 relating to the CE provider application and approval process and amend those sections for consistency. Mr. Puleo also explained the current limitations of tracking and cross-referencing providers and instructors due to the Board's manual review process, as well as limitations on collecting the instructors' personal information. He suggested including a provision in the provider responsibilities section to ensure the instructor has appropriate training and has not been convicted of a crime. Dr. McClain indicated that provision should be included if it is not already. Dr. Adams agreed.

Dr. McClain identified a need to gather more information and revisit this discussion. Mr. Puleo replied the Committee did not decide to include this provision while discussing CE providers, and to go back now will require more research and create an additional workload to be able to track and enforce this level of scrutiny for providers and instructors. Dr. McClain asked if the ability to track this information could be integrated into the Board's new IT system. Mr. Puleo pointed out there is an instructor attestation form and reiterated his concerns regarding workload and the questions of legality and equity that could get the regulations denied by OAL. Dr. Adams restated the potential for providers who have been disciplined to still be able to offer CE courses under the existing language. Mr. Puleo suggested placing the requirements and responsibilities on the CE providers. Dr. Paris explained his intent was to strengthen the language through the addition of "instructor or provider."

Dr. Adams pointed out that CCR, title 16, section 363.2, subdivision (a)(4) includes "instructor or provider" and questioned whether staff meant to include the same language in the other portions of the regulations. Dr. Paris suggested making the language consistent. Mr. Puleo restated his concerns regarding the conviction information. Dr. McClain asked if the attestation form includes a question regarding convictions, as that would address the Committee's concerns. Mr. Puleo replied he is

unsure what the Board can legally ask and explained the Board can no longer inquire about applicants' criminal history, and instead, reviews their Live Scan fingerprint results.

Dr. Paris stated he thinks the proposed language is adequate as written and was just trying to strengthen it and make it more consistent through his suggested addition. Mr. Puleo recommended the Committee request a legal opinion before pursuing that change. Dr. Paris clarified his intent to frame the language to reflect the Board is referring to instructors and providers who are licensees. Mr. Puleo provided an example of a California licensee who was disciplined by the Board compared with a Nevada licensee who was disciplined in that state, and the separate standard he believes would be created for that situation. Dr. McClain inquired about adding discipline in any jurisdiction to the proposed language to cover the scenario Mr. Puleo described. Mr. Puleo reiterated the difficulties in obtaining criminal history information from individuals based in other states. Dr. Adams pointed out the proposed language in CCR, title 16, section 363.3, subdivision (a)(2), addresses Mr. Puleo's example because it addresses discipline in the individual's state of licensure. Mr. Puleo restated the need to rely on self-disclosure and include the provision in the provider requirements. Dr. Adams stated the language as drafted meets his concerns and he believes provides sufficient means for the Board to act. Dr. McClain clarified the language is sufficient as stated and recommended moving on to the next section of the proposed regulations.

Dr. McClain asked if CCR, title 16, section 363.3 (Continuing Education Course Cause for Denial) should identify a timeframe to reapply after a course is denied by the Board. Ms. Van Allen suggested such a provision should be included under the provider section, as the provider should not be able to reapply immediately after they are denied by the Board. Ms. Van Allen explained the providers pay a fee each time they submit a course so it would not be an issue if they chose to resubmit a course that was previously denied by the Board; it would just be a waste of the provider's time and resources to do so. Dr. McClain noted the need to ensure that provision is added to the provider section of the proposed regulations. Mr. Puleo pointed out the proposed regulations regarding CE providers do not contain a provision with a specified timeframe when they can reapply, but the Board can continue to use the same factors to deny the application. He also agreed it would be a good idea to put a timeframe in the regulation.

Dr. Paris asked for clarification on the rationale for identifying a timeframe versus correcting a deficiency. Mr. Puleo explained a deficiency could be immediately corrected and resubmitted whereas a denial based on a material misrepresentation of fact is similar to discipline and it would be appropriate to include a waiting period before reapplying. Dr. Paris expressed his concern that a timeframe may become punitive in nature in cases where an individual made an administrative or clerical error and fixed the deficiency. Dr. McClain noted the need to distinguish between a clerical error and a misrepresentation of facts on an application. Ms. Van Allen explained in her time with the Board, there have only been two instances where the Board has withdrawn a provider status, and neither occurred based on a clerical mishap or oversight. She

stated the withdrawals were based on false or misleading information or repeated offenses involving the same issue, and assured the Committee that such actions would not be based on a simple administrative error or mistake. Mr. Puleo added the proposed notice of violation process for providers allows the Board to notify providers of a violation and provide a mechanism for them to fix it. He stated the concern when denying an application or withdrawing approval is regarding their fitness to be a provider.

Dr. McClain indicated it appeared the Committee is in agreement about adding a timeframe for reapplying after denial or withdrawal of provider approval, and she suggested that staff make a recommendation of that timeframe. Dr. Paris suggested placing the discussion on a future committee meeting agenda. Mr. Puleo recommended bringing the discussion back to the Committee after staff have reviewed CCR, title 16, sections 362.1-362.5. He also proposed adding a provision to give the Board discretion to specify the timeframe based on the circumstances of the application. Drs. Paris and McClain indicated they agreed with Mr. Puleo's plan.

Dr. McClain moved to CCR, title 16, section 364 (Exemptions and Reduction of Requirement) and questioned whether subdivision (e) should be clarified to state "temporary physical disability." Mr. Puleo replied it was not necessary because licensees must reapply for the exemption for each renewal period.

Dr. McClain asked if there was any discussion on CCR, title 16, section 365 (Revoked Licenses). Dr. Paris wondered if the Board should add a provision for testing or examination to that section. Mr. Puleo explained the Board has the discretion to impose testing when deciding to reinstate a petitioner's license and that provision could be included in a separate regulation on the petition for reinstatement process.

Dr. McClain moved to CCR, title 16, section 366 (Continuing Education Audits) and questioned whether the sentence that reads, "Providers who provide false or inaccurate verification of a licensee's participation may lose their provider status for up to ten (10) years, at the discretion of the Executive Officer," should also include the Board or the Review Committee. Ms. Van Allen explained it follows the discipline process where the Executive Officer has the discretion to pursue discipline and they have the right to appeal it through the Review Committee who would have the final say on the matter. Mr. Puleo agreed with Ms. Van Allen and explained the denial process would begin with an informal conference with the Executive Officer followed by an appeal to the Board, and the Board would make the final determination.

Dr. McClain asked if the Board would be able to receive the completed Post Continuing Education (CE) Evaluation Form online through the new IT system or another method. Mr. Puleo described a few methods for receiving the forms, including a provider portal or other method to directly submit the forms to the provider and the Board, or requiring the submission of evaluation forms from all licensees as a condition of approval for the course. Dr. McClain indicated she likes the idea of submitting the forms directly to the

provider and the Board while allowing the licensees to speak anonymously and without fear of repercussions. Mr. Puleo explained he is unsure if it is technically possible or if it will be problematic to know that an evaluation form has been received from each attendee. Dr. McClain expressed the importance of providing a way for licensees to report and evaluate the courses to get their perspectives.

Dr. Adams questioned how providers will be able to require all attendees to submit an evaluation form. Dr. McClain stated how to require it is a matter from the provider's perspective and the Board's position is on getting the information necessary to protect the public. Dr. Adams indicated constructive feedback is always helpful but one of his concerns is what constitutes appropriate suggestions or feedback and how will the Board determine when an issue needs to be addressed based on a negative review. He also noted he believes it is appropriate for individuals to identify themselves and be accountable for their comments and reviews.

Dr. McClain explained the Board is asking questions about the competencies on the evaluation form and that is where the Board will be able to separate the frivolous and substantive responses. Dr. McClain also expressed the need to be cognizant and discuss the repeating of CE courses, as the intent is to utilize CE to learn, not just to check a box.

Mr. Puleo advised the Committee that it may be difficult to create a system that will allow the Board to review and analyze each evaluation form submitted and provide the Board with feedback that can be used in an aggregate form. Dr. McClain responded the system should at least indicate when there is a negative reflection of the courses, or the Board could review evaluation forms when courses are audited. Mr. Puleo stated he is unsure of the system's capability and this requirement could create a large volume of information that the system may not have the ability to process.

Dr. Adams commented on the potential impact on staff if the Committee does not clarify and streamline some items related to the competencies and suggested gathering feedback that could be easily converted to positives or negatives, or a numerical scale, as opposed to the proposed form, which must be reviewed individually. Dr. McClain replied that checking a box will not provide the Board with the necessary feedback to evaluate a course and stated there needs to be an explanation to go with the rating. Dr. McClain encouraged evaluating what can be put into place in the new system because there is technology that can delineate this information and provide definitive reports. Dr. McClain also cautioned against requiring people to put their name on the evaluation form when it is going back to the provider because people may be afraid of repercussions and may not want their name associated with that provider. She suggested maybe their name should only be provided to the Board. Dr. McClain also recommended clarifying the wording of question two and at the bottom of the form.

Dr. Paris noted the limitations on being able to audit all of the written evaluation forms and wondered if some of the questions regarding quality assurance might be better for

the providers to be doing on their own. Dr. Paris explained based on his impression of the evaluation form, it serves to confirm the course was as advertised – the instructor followed the syllabus, taught the advertised topic, and the course lasted for the approved number of hours – and provide an email link for any comments, concerns, or more details. He suggested shortening the form to make it easier on everyone, including the attendees, instructors, and staff. Dr. Adams concurred.

Dr. McClain reiterated the attendees' concerns are the highest priority and it is important to provide a link to enable attendees to elaborate on their concerns rather than just checking a box. Dr. McClain also confirmed staff understood the Committee's discussion and asked if there were any questions or comments. There were none.

Public Comment: Laurie Isenberg, Director of Postgraduate & Continuing Education at Life Chiropractic College West, explained it is common for other state boards to require CE providers to gather evaluations from seminar participants and submit those evaluations to the board if their courses are audited, and this process might be a more comfortable workload for everyone. Ms. Isenberg also suggested that it would be difficult to make the evaluations mandatory, especially in large conferences or online courses, and she requested that individual providers be allowed to integrate the Board's questions into their own survey because otherwise providers would need to request that participants fill out two different evaluations for the Board and the provider.

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

There were no public comments.

## **6. Future Agenda Items**

Dr. Adams requested two future agenda items for the Committee to further discuss: 1) clarifying the competencies based on feedback that was received from CE providers and including specific examples of each competency to give direction to providers, licensees, and Board staff; and 2) the feedback on adjustive technique courses being conducted virtually through live, interactive formats.

Marcus Strutz, D.C., a licensee and CE provider with Back to Chiropractic CE Seminars, requested the Committee revisit the discussion of allowing technique courses to be taught via Zoom. Dr. Strutz indicated he put together a survey of over 1,400 doctors of chiropractic and 16-17 CE providers and the information from the survey was clear that it should be allowed.

## **7. Adjournment**

Dr. McClain adjourned the meeting at 11:49 a.m.



**Agenda Item 3  
February 9, 2022**

**Discussion and Possible Action in Response to the January 11, 2022 Waiver Issued by the Director of the Department of Consumer Affairs [DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#) and on the Board's Continuing Education Requirements (California Code of Regulations, Title 16, Sections 360-366)**

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**Purpose of the Item**

The Licensing & Continuing Education Committee will discuss options in response to the January 11, 2022 waiver issued by the Director of the Department of Consumer Affairs (DCA), which extends [DCA Waiver DCA-20-63 Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#) through March 31, 2022.

**Action Requested**

At the January 25, 2022 Board meeting, the Board voted to refer the matter of the termination of DCA Waiver DCA-20-63 to the Licensing & Continuing Education Committee for review and discussion.

At this meeting, the Committee will be asked to discuss this matter and consider making a motion and recommendation to the Board.

**Background**

**Board's Continuing Education Requirements**

The Board's continuing education (CE) requirements are listed in California Code of Regulations (CCR), title 16, section 361. To renew a 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 Board-approved courses in any subject area(s) 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

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approved by any organization authorized to approve CE by any healing arts board or bureau.

CCR, title 16, section 361, subdivision (c), limits licensees to a maximum of 12 hours that may be completed through distance learning as defined in CCR, title 16, section 363.1, which identifies distance learning formats as “including, but not limited to, computer, Internet, manuals, compact disks, digital video, versatile discs, and audio and video tapes.”

**Waivers Issued by the Department of Consumer Affairs**

On September 23, 2020, the DCA Director issued [DCA Waiver DCA-20-63](#), which waives CCR, title 16, section 361, subdivision (c), to the extent it limits to 12 hours the maximum number of CE hours that may be completed through distance learning, subject to the condition that distance learning in excess of 12 hours consists of Internet- or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses.

On November 22, 2021, the DCA Director issued [DCA Waiver DCA-21-203 Order Terminating DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors](#), which terminated the September 23, 2020 Order on December 31, 2021.

On January 11, 2022, the DCA Director issued [DCA Waiver DCA-22-209](#), which withdrew and superseded the November 22, 2021 Order and set a termination date of March 31, 2022 for DCA Waiver DCA-20-63.

DCA continues to encourage boards and bureaus to look at laws and regulations that were waived, determine if statutory or regulatory changes are needed in the future, and move forward with such changes.

**Attachments**

1. Draft Proposed Language to Amend California Code of Regulations, Title 16, Sections 360-366, as Discussed During the May 7, 2021 and June 17, 2021 Licensing & Continuing Education Committee Meetings
2. DCA Waiver DCA-20-63 Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors
3. DCA Waiver DCA-22-209 Order Extending DCA-20-63, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors

**Draft Proposed Language to Amend California Code of Regulations, Title 16,  
Sections 360-366, as Discussed During the May 7, 2021 and June 17, 2021  
Licensing & Continuing Education Committee Meetings**

**§ 360. Continuing Education Fees.**

The following represents fees for continuing education:

- (a) Continuing Education Provider Application Fee: \$75
- (b) Biennial Continuing Education Provider Renewal Fee: \$50
- (c) Continuing Education Course Application Fee: \$50 per course. A course is defined in Section 363.

For fees related to continuing education applications, reference Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code.

**§ 361. Continuing Education Requirements for Chiropractic Licensees.**

- (a) For purposes of this section, “implementation date” means ~~two years following June 8, 2014~~ one year following “DATE”.
- (b) For license renewals that expire on or after the implementation date, the number of required hours of continuing education courses shall be twenty-four (24). ~~For license renewals that expire prior to the implementation date, the number of required hours of continuing education courses shall be twelve (12).~~
- (c) For license renewals that expire on or after the implementation date, a maximum of twelve (12) continuing education hours may be completed through distance learning courses as defined in Section 363.1. ~~For license renewals that expire prior to the implementation date, a maximum of six (6) continuing education hours may be completed through distance learning as defined in Section 363.1.~~
- (d) Any continuing education hours accumulated before ~~June 8, 2014~~ “DATE” that meet the requirements in effect on the date the hours were accumulated, will be accepted by the ~~h~~Board for license renewals.
- (e) On or after the implementation date, licensees shall complete ~~a minimum of two (2) hours in subdivision (g)(11) – Ethics and Law, a minimum of four (4) 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.~~ fourteen (14) mandatory hours in the following areas:

(1) A minimum of four (4) hours in Competency 1: Assessment and Diagnosis.

(2) A minimum of four (4) hours in Competency 2: Chiropractic Adjustment/Manipulation.

(3) A minimum of two (2) hours in Competency 3: Communication and Record Keeping.

(4) A minimum of four (4) hours in Competency 4: Professional Ethics and Jurisprudence, which shall include one (1) hour completed annually in professional boundaries content and one (1) hour completed annually in "Top Enforcement Violations" document which shall be provided by the Board.

(f) With the exception of the mandatory hours referenced in subdivision (e), the remaining ~~eighteen (18)~~ ten (10) hours of additional continuing education requirements may be met by taking courses in any of the ~~subject areas~~ competencies listed in subdivision (g) or courses taken pursuant to subdivision (h). The ~~eighteen (18)~~ ten (10) hours may include any combination of continuing education courses in ~~subject areas~~ competencies specified in either subdivision (g) or approved by agencies specified in subdivision (h). ~~By way of example, a licensee may take eight (8) hours of continuing education courses in subject areas listed in subdivision (g), that are approved by the board, and ten (10) hours of continuing education courses that are approved by the California Department of Industrial Relations, Division of Workers Compensation pursuant to subparagraph (1) of subdivision (h).~~

(g) Courses approved by the board shall be limited to the following subject areas: The following are methods to earn continuing education credit:

~~1. Philosophy of chiropractic, including the historical development of chiropractic as an art and science and health care approach; the vertebral subluxation complex and somato-visceral reflexes including their relationships between disease and health; and other chiropractic theory and philosophy.~~

~~2. Instruction in basic sciences of anatomy, histology, neurology, physiology, nutrition, pathology, biochemistry or toxicology.~~

~~3. Instruction in various basic to comprehensive history taking and physical examination procedures, including but not limited to orthopedic, neurological and general diagnosis related to evaluation of the neuro-musculoskeletal systems, and includes general diagnosis and differential diagnosis of all conditions that affect the human body.~~

~~4. Diagnostic testing procedures, interpretation and technologies that aid in differential diagnosis of all conditions that affect the human body.~~

~~5. Chiropractic adjustive techniques or chiropractic manipulation techniques.~~

~~6. Pain management theory, including, but not limited to, current trends in treatment and instruction in the physiology and anatomy of acute, sub-acute and chronic pain.~~

7. ~~Physiotherapy.~~

8. ~~Instruction in Manipulation Under Anesthesia including the safe handling of patients under anesthesia.~~

9. ~~Instruction in the aspects of special population care, including, but not limited to, geriatric, pediatric, and athletic care as related to the practice of chiropractic.~~

10. ~~Instruction in proper and ethical billing and coding, including accurate and effective record keeping and documentation of evaluation, treatment and progress of a patient. This is not to include practice building or patient recruitment/retention or business techniques or principles that teach concepts to increase patient visits or patient fees per case.~~

11. ~~Ethics and law: including but not limited to: truth in advertising; professional boundaries; mandatory reporting requirements for child abuse/neglect, elder abuse/neglect; spousal or cohabitant abuse/neglect; sexual boundaries between patient and doctors; review of the specific laws, rules and regulations related to the practice of chiropractic in the State of California.~~

12. ~~Adverse event avoidance, including reduction of potential malpractice issues.~~

13. ~~Pharmacology, including side effects, drug interactions and the pharmacodynamics of various commonly prescribed and over the counter drugs; drug reactions and interactions with herbs, vitamins and nutritional supplements; blood and urinalysis testing used in the diagnosis and detection of disease, including use of and interpretation of drug testing strips or kits utilizing urinalysis, saliva, hair and nail clippings.~~

14. ~~A licensee may earn up to a maximum of two (2) hours of continuing education credit in cardiopulmonary resuscitation, basic life support or use of an automated external defibrillator.~~

(1) Attend a Board approved continuing education event in Competencies 1 through 8, identified in the "Continuing Education Competencies" document (Revision date "DATE"), which is hereby incorporated by reference. No more than twelve (12) hours of continuing education shall be awarded to an individual licensee for coursework completed on a specific date.

Licensees may take twelve (12) hours of continuing education credit as in-person classroom courses including two-way video conferencing courses and twelve (12) hours of continuing education credit as distance learning courses.

(A) The following competencies are restricted to specified education formats:

(i) Hours taken in Competency 2 – Chiropractic Adjustment/Manipulation may only be taken as an in-person classroom event, Competency 2 is excluded from two-way video conferencing and distance learning platforms.

15. (2) Attend a Board Meeting: A licensee may earn a maximum of four (4) hours of continuing education credit per renewal period for attending a full Board meeting that includes the hearing of cases related to petitioners seeking the reinstatement of revoked licenses or early termination of probationary licenses. A petitioner may not earn any continuing education hours for attending a Board meeting on the same day in which said petitioner's hearing is conducted. The attendance of a licensee at a Board meeting under this subparagraph shall be monitored and confirmed by Board staff designated by the Executive Officer.

(3) Complete a PACE-approved course through a PACE accredited provider in a qualifying competency area.

(4) A licensee who participates in the entire two (2) day workshop as a Subject Matter Expert for the purpose of exam development of the California Law and Professional Practice Examination will receive one (1) hour of CE credit for each hour volunteered, up to a maximum of sixteen (16) hours.

(5) A licensee who participates as an examiner for the entire Part IV portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of continuing education credit for each examination event administered by the NBCE during the license renewal period. The licensee must provide written certification from the NBCE confirming the licensee has met the requirements of this subsection.

16. ~~Any of the following as related to the practice of chiropractic:~~

- ~~(A) Principles of practice.~~
- ~~(B) Wellness. (prevention, health maintenance)~~
- ~~(C) Rehabilitation.~~
- ~~(D) Public health.~~

(h) With the exception of the mandatory courses specified in subdivision (e), the remaining continuing education requirements may be met by taking continuing education courses, including distance learning, that are approved by either of the following:

(1) The California Department of Industrial Relations, Division of Workers Compensation.

(2) Any Healing Arts Board or Bureau within Division 2 of the Business and Professions Code or approved by any organization authorized to approve continuing education by any Healing Arts Board or Bureau in Division 2 of the Business and Professions Code.

(i) The continuing education providers and courses referenced in subdivision (h) do not need to be approved by the Board for credit to be granted nor do they need to meet the requirements contained in Sections 362, 362.1, 363, and 363.1.

## **§ 362. Continuing Education Provider Approval, Duties, and Responsibilities.**

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

~~The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.~~

~~(b) (a) As used in this section, a provider is an individual, partnership, corporation, professional association, college, health facility, government agency or any other entity approved by the ~~h~~Board to offer ~~h~~Board approved continuing education courses to licensees to meet the annual continuing education requirements set forth in Section 361 of these regulations.~~

~~(b) The Board recognizes the Federation of Chiropractic Licensing Boards Providers of Approved Continuing Education (FCLB PACE) Recognized Providers as satisfying the requirements of the Board for continuing education provider approval. The Board, however, reserves the approval authority for all continuing education events, based requirements identified in Section 363 and 363.1.~~

~~(c)(1) To apply to become an Board approved provider, an applicant shall complete and submit a "Continuing Education (CE) Provider Application" form (Revision date 02/10 "DATE") which is hereby incorporated by reference, and pay the fee specified in Section 360(a) Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code. Applications for approval shall be submitted to the board office at least 30 days prior to a scheduled board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within three (3) weeks from the date of receipt. Complete applications will be reviewed at the scheduled board meeting and notification of the board's decision will be provided in writing within two (2) weeks following the board meeting.~~

~~(2) (d) The approval of the provider shall expire two (2) years after it is issued by the ~~h~~board and may be renewed upon the filing of the "Continuing Education (CE) Provider Application" form (Revision date 02/10 "DATE") and fee specified in Section 360(b) Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code.~~

~~(3) (e) Providers who were approved by the ~~h~~Board prior to the effective date of this regulation shall renew their provider status two years from ~~June 8, 2014~~ "DATE" by filing~~

of the “Continuing Education (CE) Provider Application” form (Revision date 02/10 “DATE”) and fee specified in Section 360(b) Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code.

(4) (f) The ~~b~~Board will not process incomplete applications nor applications that do not include the correct application fee.

### **§ 362.1. Continuing Education Provider Duties and Responsibilities**

(d) (a) As part of a Pprovider’s duties and responsibilities, they shall:

(1) Identify an primary and secondary individual responsible for overseeing all continuing education activities of the provider.

(2) Provide a course roster to the ~~b~~Board, within thirty (30) days, upon written request. Course rosters shall include the names of all licensees, license numbers, and e-mail addresses if available. ~~Failure to submit the roster upon written request within thirty (30) days may result in the withdrawal or denial of previous course approval and withdrawal of provider status.~~ Providers shall maintain the course roster for four (4) years from the date of completion of the course.

(3) Maintain course instructor curriculum vitae or resumes for four (4) years.

(4) Disclose to prospective participants the names of the individuals or organizations, if any, who have underwritten or subsidized the course. Providers may not advertise, market, or display materials or items for sale inside the room while the actual instruction is taking place. Nothing in this section shall be interpreted to prohibit a provider from mentioning a specific product or service solely for educational purposes.

(5) Inform the ~~b~~Board in writing immediately of any substantial changes, including but not limited to: the date, time, instructor or location of the course, and provide changed advertising or marketing material for the course. The Board shall have fourteen (14) days to process and approve or deny the submitted changes, the provider may not enact changes without the Board’s written approval. A new application may be required as determined by the Executive Officer.

(6) Provide a certificate of completion to licensees within thirty (30) days following completion of the continuing education course. Providers shall retain records of course completion for four (4) years from the date of completion and provide records of completion to the Board within thirty (30) days, upon written request. The certificate shall include the following information:

(A) Name and address of provider.

(B) Course title.

(C) Course approval number.

(D) Date(s) and location of course.

(E) Licensee name.

(F) License number.

(G) Printed name and signature of the provider's designated representative.

(H) Number of hours the licensee earned in continuing education, ~~including the type of mandatory hours,~~ the qualifying competency satisfied and whether the hours were obtained in as in-person classroom instruction, two-way video conferencing or distance learning.

### **§ 362.2. Continuing Education Providers Notice of Violation.**

(a) Failure to comply with the duties and responsibilities outlined in Section 362.1 may result in a 'notice of violation' to the provider.

(1) The 'notice of violation' to the provider shall consist of the provider's business name, the responsible party's contact name, identify the violation and the timeframe the violation may be made available to the public.

(2) The notice will be disclosed to the public through the Board's website for the duration of the provider's approval timeframe and/or no less than one year.

### **§ 362.3. Continuing Education Providers Cause for Withdrawal of Approval.**

(a) The Board may withdraw its approval of a provider status for causes that include, but are not limited to, the following:

(1) Any material misrepresentation of fact by a provider or applicant of any information required to be submitted to the Board;

(2) Failure to submit a course roster upon written request, by the Board, within thirty (30) days;

(3) Failure to administer business responsibilities; including failure to notify the Board of substantial changes to the course date, time, instructor or location, changes to marketing materials, maintaining attendance records and/or creating and maintaining course completion certificates.

### **§ 362.4. Continuing Education Providers Cause for Denial.**

(a) The Board may deny a provider application for causes that include, but are not limited to, the following:

(1) Any material misrepresentation of fact by a provider or applicant of any information required to be submitted to the Board;

(2) Failure to submit a course roster upon written request, by the Board, within thirty (30) days;

(3) Failure to administer business responsibilities; including failure to notify the Board of substantial changes to the course date, time, instructor or location, changes to marketing materials, maintaining attendance records and/or creating and maintaining course completion certificates.

### **§ 362.5. Continuing Education Providers Appeal Process.**

~~(e) (1) The Executive Officer, after notification, may withdraw approval of any continuing education provider for good cause, including, but not limited to, a violations of any provision of the regulation identified in Section 362.1 and 362.3 or falsification of information, and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification.~~

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

~~(2) If an application is denied, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal appeal hearing with the Executive Officer regarding the reasons stated in the denial notification. The appeal must be filed within thirty (30) days of the date of the denial notification. The Executive Officer shall schedule the informal appeal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal appeal hearing, the Executive Officer shall provide written notification of the decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within thirty (30) days of the date of the Executive Officer's denial notification, request a meeting before the Board's Review Committee to appeal the denial. The Review Committee shall be made up of the standing members in the Licensing & Continuing Education Committee.~~

~~The Executive Officer shall schedule the requested meeting with the Review Committee no later than one hundred and eighty (180) days following receipt of the~~

request. Within ten (10) days of the meeting with the Review Committee, the Executive Officer shall provide written notification of the Review Committee's decision to the applicant. The Review Committee's decision shall be the final order in the matter.

### **§ 363. Approval of Continuing Education Courses.**

Classroom courses are events in which attendees interact with the instructor and the instructor can speak directly with the participants in real time. Courses offered through two-way video conferencing technology will be approved as classroom course credit, so long as the participant maintains a video connection for the entirety of the continuing education event.

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

(1) FCLB PACE Recognized Providers must complete and submit a "PACE Pre-Check Application" form which is hereby incorporated by reference and pay the non-refundable application fee as referenced by Division 2, Chapter 2, Article 1, Section 1006.5 of the Business and Professions Code, at least forty-five (45) days prior to the date of the event.

(b) A "course" is defined as an approved program of coordinated instruction in any one (1) of the subject areas competencies as defined in Section 361(g)(1) and given by an approved Provider.

(c) Physical activities conducted during an in-person classroom course must support the curricular activities of the course. Unrelated physical activities will not be approved for continuing education credit.

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

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

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

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

~~(2)~~ (3) A final copy of the syllabus/course schedule including seminar name, date and location of seminar, instructor(s) name, ~~course description, educational objectives,~~ teaching methods, ~~course schedule/outline,~~ recommended reading, disclosure of expenses underwritten or subsidized by vendors of any goods, and supplies or services;

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

~~(3)~~ (5) A copy of the course brochure and all other promotional material to be used;

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

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

(8) Examples of course examinations, to be administered during or at the conclusion of the course event;

(9) Example of the course completion certificate, required and identified in Section 362.1(6)(A-H);

(10) The "Post Continuing Education (CE) Evaluation Form" (Revision date "DATE"), which is hereby incorporated by reference.

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

~~The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within 30 days of the date of the Executive Officer's denial notification, request a hearing before the board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request.~~

~~Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the applicant. The board's decision shall be the final order in the matter.~~

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

~~(1) (f) No more than twelve (12) hours of continuing education credit shall be awarded to an individual licensee for coursework completed on a specific date.~~

~~(2) (g) Each hour of continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience. Class breaks shall be at the discretion of the instructor and shall not count towards a course hour. Providers shall furnish administer an sign-in sheet attendance tracking method that monitors attendance throughout the event. Providers shall maintain attendance records that contains the course date(s), each licensee's name, license number, and designated space for each licensee to sign in at the beginning and conclusion of the course each day acknowledgement of the participants attendance (date stamp, wet signature, or digital signature). Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they reporting their attendance, attests to having personally attended the stated course, on the listed date(s) and they personally attended the listed hours of course work. Each licensee shall be responsible for signing the "sign-in sheet" reporting their attendance with the provider at the start and conclusion of each day's coursework, and failure to do so may invalidate credit for that day's coursework. Providers shall retain sign-in sheets attendance records for four (4) years from the date of course completion and shall provide copies to the Board within thirty (30) days upon written request.~~

~~(f) (h) The Board shall not approve the following subjects for continuing education events that contain the following courses: financial management, income generation, practice building, collections, self-motivation, business techniques or principles that teach concepts to increase patient visits or patient billings per visit, and patient recruitment and topics outside the scope of chiropractic as defined in Section 302.~~

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

~~(j) Events offered in Competency 2 – Chiropractic Adjustment/Manipulation may only be offered as an in-person classroom event. Competency 2 is excluded from two-way video conferencing and distance learning platforms.~~

~~(h) The Executive Officer, after notification, may withdraw approval of any continuing education course for good cause, including, but not limited to, violations of any provision of this regulation or falsification of information and shall provide written notification of such action to the provider. The provider may request an informal hearing with the Executive Officer regarding the reasons for withdrawal of approval stated in the Executive Officer's notification. The appeal must be filed within 30 days of the date of the notification. The Executive Officer shall schedule the informal hearing within 30 days of receipt of the appeal request. Within 10 days following the informal hearing, the Executive Officer shall provide written notification of his or her decision to the provider.~~

~~If the Executive Officer upholds his or her decision under this subsection, the provider may, within 30 days of the date of the Executive Officer's notification, request a hearing before the board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future board meeting but not later than 180 days following receipt of the request. Within 10 days of the hearing before the board, the Executive Officer shall provide written notification of the board's decision to the provider. The board's decision shall be the final order in the matter.~~

### **§ 363.1. Distance Learning Courses.**

Distance learning education shall be considered as asynchronous learning offered on demand through the internet.

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

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

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

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

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

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

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

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

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

### **§ 363.2. Continuing Education Course Cause for Withdrawal.**

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

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

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

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

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

### **§ 363.3. Continuing Education Course Cause for Denial.**

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

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

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

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

(4) Any material misrepresentation of fact of any documents required to be submitted to the Board by the instructor or provider.

### **§ 363.4. Continuing Education Course Appeal Process.**

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

~~The~~ If an appeal is sought, it must be filed with the Board within thirty (30) days of the date of the notification. The Executive Officer shall schedule the informal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal hearing, the Executive Officer shall provide written notification of his or her the decision to the provider. If the Executive Officer upholds his or her the decision under this subsection, the provider may, within thirty (30) days of the date of the Executive Officer's notification, request a hearing before the board meeting before the Board's Review Committee to appeal the Executive Officer's decision. The Review Committee shall consist of the standing members in the Licensing & Continuing Education

Committee. The Executive Officer shall schedule the requested hearing at a future board meeting meeting but not no later than one hundred and eighty (180) days following receipt of the request. Within ten (10) days of following the hearing before the board meeting before the Review Committee, the Executive Officer shall provide written notification of the board's Committee's decision to the provider. The board's Committee's decision shall be the final order in the matter.

(b) If a course application is denied under this section, the applicant shall be notified in writing of the reason(s) for the denial. The applicant may request an informal hearing regarding the reasons stated in their denial notification, with the Executive Officer. An appeal must be filed within thirty (30) days of the date of the denial notification. The Executive Officer shall schedule the informal hearing within thirty (30) days of receipt of the appeal request. Within ten (10) days following the informal hearing, the Executive Officer shall provide written notification of the decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within thirty (30) days of the date of the Executive Officer's denial notification, request a meeting the Board's Review Committee to appeal the denial. The Review Committee shall consist of the standing members in the Licensing & Continuing Education Committee. The Executive Officer shall schedule the requested meeting no later than one hundred and eighty (180) days following receipt of the request. Within ten (10) days following the meeting before the Review Committee, the Executive Officer shall provide written notification of the Review Committee's decision to the applicant. The Review Committee's decision shall be the final order in the matter.

#### **§ 364. Exemptions and Reduction of Requirement.**

A licensee may qualify for a full or partial exemption, from the continuing education requirements of Section 361 if a licensee meets any of the criterion listed below:

(a) A licensee who holds a license on inactive status is not required to complete continuing education on an annual basis; however, they must provide proof of completion of the required continuing education hours prior to activating their license as specified in Section 371(f);

(b) A new licensee is exempt from continuing education requirements in the year of initial licensure;

(c) An instructor who has taught for one (1) year and currently teaches core curriculum courses for more than eight (8) credit hours per week at any Council on Chiropractic Education accredited college for at least six (6) months during any license renewal period year shall be exempt from continuing education.

(d) A licensee who teaches a Board-approved continuing education course may earn one (1) hour of continuing education credit for each hour of lecture up to twenty-four (24) hours per year.

(e) Notwithstanding Section 361(c), a licensee who is unable to attend continuing education courses due to a physical disability and provides written certification from a

primary health care provider may earn all twenty-four (24) hours of continuing education credits for the period of the license renewal through Board-approved distance learning courses as defined in Section 363.1. Approval of the medical waiver grants the licensee the opportunity to complete a course in Competency 2: Chiropractic Adjustment/Manipulation through distance learning modalities.

(1) The exemption to the continuing education requirement may only be granted for the renewal period in which the licensee is requesting the exemption. If a medical condition persists, licensees must request the exemption for each subsequent renewal periods.

~~(f) A licensee who participates as an examiner for the entire part four portion of the National Board of Chiropractic Examiners (NBCE) examinations shall receive a maximum of six (6) hours of continuing education credit for each examination period conducted by the NBCE during the license renewal period. The licensee must provide written certification from the NBCE confirming the licensee has met the requirements of this subsection.~~

(f) During instances of natural disaster, a state or federal declared state of emergency, the Board has the authority to authorize completion of twenty-four (24) hours of continuing education through distance learning courses or waive the continuing education requirements for the period of the license renewal. The licensee shall request a waiver from the Board in writing and provide documentation of the mitigating circumstances affecting their renewal requirements.

~~(g) A licensee who participates in the entire two-day workshop as a Subject Matter Expert for the purpose of exam development of the California Law and Professional Practice Examination will receive one hour of CE credit for each hour volunteered, up to a maximum of sixteen hours, which includes eight (8) hours in the Ethics and Law and eight (8) hours in the Principles of Practice subject areas as defined in sections 361(g)(11) and 361(g)(16)(A), respectively.~~

~~(h) (g) An active Board Member. A professional b~~Board member who has served one (1) full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of board member service for any renewal cycle in which the licensee served as a Board Member.

~~(i) (h) A licensee on active duty with a branch of the armed forces of the United States or the California National Guard who meets the exemption requirements specified in Business and Professions Code section 114.3 shall be exempt from continuing education requirements~~ for any renewal cycle in which the licensee served on active duty.

### **§ 365. Revoked Licenses.**

Any person ~~making application~~ applying for reinstatement ~~or restoration~~ of a license which has been revoked shall be required to fulfill the continuing education requirements for each year the license was revoked and may be required to complete

an approved course of continuing education, or to complete such study or training as the ~~b~~Board deems appropriate.

### **§ 366. Continuing Education Audits.**

The Board shall conduct random audits to verify compliance with ~~C~~continuing ~~E~~education requirements of active licensees. Licensees shall secure and retain certificates of completion issued to them at the time of attendance of approved ~~C~~continuing ~~E~~education courses for a period of four (4) years from their last renewal and shall forward these documents to the Board upon request.

Licensees who fail to retain certificates of completion shall obtain duplicate certificates, from approved ~~C~~continuing ~~E~~education providers, who shall issue duplicates only to licensees whose names appear on the providers' rosters of course attendees. The certificates of completion shall be clearly marked "duplicate" and shall contain the information specified in Section ~~362(d)(6)~~ 362.1(a)(6).

Licensees who furnish false or misleading information to the Board regarding their ~~C~~continuing ~~E~~education hours shall be subject to disciplinary action. Providers who provide false or inaccurate verification of a licensee's participation may lose their provider status for up to ten (10) years, at the discretion of the Executive Officer. The ~~full board's~~ Review Committee's ruling, as described in Section ~~362(e)~~ 362.4(a), shall be the final order on the matter.

The ~~b~~Board or its designee shall not be restricted from inspecting, observing, or auditing any approved chiropractic course in progress, at no charge.

~~The bBoard, at its discretion, may contact attendees after a continuing education course as part of the board's auditing process to obtain information regarding the quality and content of the course. requires Continuing Education providers to administer the "Post Continuing Education (CE) Evaluation Form" to all course participants. These forms shall be sent directly to the Board.~~

**Executive Office**

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## **Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors**

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order [N-39-20](#), during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory renewal requirement pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code.

Accordingly, for chiropractors, the Director waives California Code of Regulations, title 16, section 361, subdivision (c), to the extent it limits to 12 hours the maximum number of continuing education hours that may be completed through distance learning, subject to the condition that distance learning in excess of 12 hours consists of Internet- or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses.

For naturopathic doctors, the Director waives Business and Professions Code section 3635, subdivision (a)(2), to the extent it limits to 15 hours the maximum number of continuing education hours that may be completed through computer-assisted instruction, subject to the condition that such instruction consists of Internet- or web-based courses that allow participants to concurrently interact with instructors or presenters while they observe the courses.

This order is effective immediately but may be amended as circumstances require.

Dated: September 23, 2020

### **Signature on File**

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Kimberly Kirchmeyer  
Director

**Executive Office**

1625 North Market Boulevard, Suite N-308, Sacramento, CA 95834

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**Agenda Item 3  
Attachment 3**

## **Order Extending Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors**

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order [N-39-20](#), during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory renewal requirement pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code.

On September 23, 2020, the Director issued an Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors. The Director hereby extends the September 23, 2020, Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors. The Order now terminates on March 31, 2022.

On November 22, 2021, the Director issued an Order Terminating Order Waiving Restrictions on Internet-Based Continuing Education Training for Chiropractors and Naturopathic Doctors. The November 22, 2021, Order is hereby withdrawn and superseded.

This order is effective immediately but may be amended as circumstances require.

Dated: January 11, 2022

**Signature on File**

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Kimberly Kirchmeyer  
Director