



**BOARD OF CHIROPRACTIC EXAMINERS
GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE
MEETING MINUTES
October 4, 2022**

In accordance with the statutory provisions of Government Code section 11133, the Government and Public Affairs Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on October 4, 2022.

Committee Members Present

Janette N.V. Cruz, Chair
Rafael Sweet

Staff Present

Kristin Walker, Executive Officer
Dixie Van Allen, Licensing & Administration Manager
William Walker III, Enforcement Manager
Amanda (Campbell) Ah Po, Enforcement Analyst
Sabina Knight, Board Counsel, Attorney III, Department of Consumer Affairs (DCA)

1. Call to Order / Roll Call / Establishment of a Quorum

Ms. Cruz called the meeting to order at 11:01 a.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

2. Review and Possible Approval of June 28, 2021 Committee Meeting Minutes

Motion: Mr. Sweet moved to approve the June 28, 2021 Committee Meeting Minutes.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

Vote: 2-0 (Ms. Cruz-AYE and Mr. Sweet-AYE).

Motion: Carried.

3. Update on Board's Administration Program, Including Budget and Fund Condition, Business Modernization and Implementation of Connect System, and Status of Board's Pending Rulemaking Packages

Ms. Walker provided an overview of and update on the Board's Administration Program. Ms. Walker and Board Chair David Paris, D.C. represented the Board at the regional meeting of the Federation of Chiropractic Licensing Boards (FCLB) and participated in

discussions with representatives from other states regarding administrative, licensing, continuing education, and enforcement issues. Ms. Walker and Dr. Paris also participated in a Chiropractic Roundtable hosted by the California Chiropractic Association (CalChiro) with representatives from California's chiropractic colleges, CalChiro, and the Foundation for Chiropractic Progress (F4CP).

Ms. Walker updated the Committee on the Business Modernization Project, also known as Connect. On July 1, 2022, the Board added functionality to the system to waive the application and initial license fees for spouses of active-duty members of the military who are assigned to a duty station in California and hold a current license to practice in another state, as required by Business and Professions Code (BPC) section 115.5. In August 2022, the Board implemented the Department of Health Care Access and Information (HCAI) health workforce data survey for licensees to complete during their electronic license renewal process, as required by BPC section 502.

Ms. Walker explained the Board is currently in the maintenance and operations phase of this project and has been focusing on system enhancements to: increase the system utilization rate; simplify the online renewal process for doctor of chiropractic licenses; make the applicant and licensee dashboards easier and more intuitive for users to navigate; provide the ability for licensees to maintain and store their continuing education (CE) course records in the system; and prominently display a list of Board links and resources and direct contact information for each of Board's units on the user dashboard. These enhancements are expected to be released in fall 2022, and after they have been implemented, Board staff will work on the development of the CE provider and course approval processes in the system. Ms. Cruz asked how licensees would be notified of the updates to the Connect system to improve utilization.

Ms. Walker replied the primary point of contact is sharing information via Listserv, the website, and social media.

Ms. Walker stated Board staff has been conducting a comprehensive review of its existing paper-based licensing and CE processes to identify and remove any duplicative or unnecessary steps, improve processing timeframes, and prepare for the integration of these processes into the Connect system. In addition, staff from each of Board's units have been cross trained on most of the licensing functions to better assist applicants, licensees, and members of the public who contact the Board. The Board's Enforcement Unit also began a project with DCA's Organizational Improvement Office (OIO) to evaluate the complaint intake, desk investigation, and field investigation processes and to identify strategies that will improve productivity, reduce investigation timeframes, and provide excellent customer service to those involved in the consumer complaint process. The recommendations from this project are expected to be fully implemented throughout fiscal year 2022-23.

Ms. Walker informed the Committee that all pending regulatory proposals are in an internal review process with staff and/or committees. Board staff recently met with regulatory counsel to discuss the status of each proposal and develop a plan for moving

them forward. The packages for Delegation of Authority to the Assistant Executive Officer and amendments to CE distance learning requirements are planned to be submitted for legal review soon.

Ms. Cruz asked if the regulatory package regarding California Code of Regulations (CCR), title 16, section 384 had defined “natural disaster.” Ms. Walker stated she would need to verify, but believed natural disaster was defined by reference to a statute. Ms. Walker noted this proposal is planned to be returned to the CE Committee for further discussion in December 2022.

Ms. Walker indicated the draft strategic plan will be presented to the Board for adoption at the October 27, 2022 Board meeting. On September 13, 2022, Governor Newsom issued an executive order that requires strategic plans in effect after July 2023 to be updated to more effectively advance equity and drive outcomes that increase opportunity for all. DCA is evaluating its strategic planning processes and will be working with boards and bureaus in early 2023 on updates to current plans. DCA has requested the Board proceed with the current strategic plan scheduled to be adopted at the October meeting and the Committee will work with DCA next year to make any necessary updates.

Ms. Walker updated the Committee on the budget. She stated the current revenue projections are based on conservative estimates of the amount of applications received under the new fee amounts. She noted Senate Bill (SB) 1434 (Roth, Chapter 623, Statutes of 2022) gives the Board the authority to raise the license renewal fee further through regulation, if necessary.

Public Comment: None.

4. Update and Discussion on Legislation:

- A. [Assembly Bill \(AB\) 1102 \(Low, Chapter 684, Statutes of 2022\)](#) Telephone medical advice services.
- B. [AB 1604 \(Holden, Chapter 313, Statutes of 2022\)](#) Civil service: the Upward Mobility Act of 2022.
- C. [SB 731 \(Durazo, Chapter 814, Statutes of 2022\)](#) Criminal records: relief.
- D. [SB 1237 \(Newman, Chapter 386, Statutes of 2022\)](#) Licenses: military service.
- E. [SB 1434 \(Roth, Chapter 623, Statutes of 2022\)](#) State Board of Chiropractic Examiners.

Ms. Ah Po provided the Committee with an update on legislation affecting the Board. AB 1102 (Low) was signed by Governor Newsom on September 28, 2022, and clarifies that telephone medical advice services are required to ensure all health care professionals who provide telephone medical advice from an out-of-state location are operating consistent with the laws governing their respective licenses. This bill also specifies that a telephone medical advice service is required to comply with all directions and requests for information made by the respective healing arts licensing

boards. In addition, this bill removes the requirement that a telephone medical advice service notify DCA of changes in their contact information, as specified.

Ms. Ah Po stated AB 1604 (Holden) was signed by Governor Newsom on September 13, 2022, and establishes the Upward Mobility Act of 2022. AB 1604 initially contained specified diversity requirements for volunteer members of state boards and commissions; however, these provisions were removed through amendments in the Senate on August 11, 2022. This bill no longer has direct impacts on the Board but will affect the recruitment and hiring of state employees.

Ms. Ah Po continued with SB 731 (Durazo) which was signed by Governor Newsom on September 29, 2022. This bill expands automatic arrest record and conviction relief to additional felony offenses, as long as that conviction does not require registration as a sex offender. This bill also expands discretionary expungement relief to include felonies where the defendant was sentenced to state prison. However, this relief will not release the individual from the terms and conditions of unexpired criminal protection orders.

Ms. Cruz asked if there were any staff concerns regarding SB 731. Ms. Walker stated this bill will potentially impact the license application process and the Board's ability to deny licenses based on criminal history information.

Ms. Ah Po addressed that SB 1237 (Newman) was signed by Governor Newsom on September 17, 2022. SB 1237 clarifies the definition of "active duty" to include active duty in the United States Armed Forces and "on duty" in the California National Guard.

Lastly, Ms. Ah Po updated the Board on its Sunset Review bill, SB 1434 (Roth) which was signed by Governor Newsom on September 27, 2022. This bill requires the Board to be subject to the Sunset Review process as if the Act were scheduled to be repealed on January 1, 2027, requires the Board to include the telephone numbers and email addresses of licensees in the Board's directory, and requires licensees to immediately notify the Board of a change in contact information. SB 1434 removes specified exemptions from the probation status disclosure requirement for licensees placed on probation by the Board and includes an updated fee schedule. This bill also requires the Board to submit a report to the Legislature that includes an update on the Board's license fee structure and whether the Board needs to consider plans for restructuring its license fees by January 1, 2027. This bill will require action by the Board in many ways, including:

- The Board will need to begin collecting telephone numbers and email addresses from all licensees beginning January 1, 2023. Staff will be working with DCA's Office of Information Services to update the renewal form to request this information at the time of renewal. In addition, some updates may be needed to the Board's legacy database to store the email addresses.
- Enforcement staff will be working with the Attorney General's office to ensure the updated probation status disclosure requirement is included in future stipulated

settlements. In addition, this requirement will be incorporated in the updates to the *Disciplinary Guidelines* that are currently being developed by the Board's Enforcement Committee.

- Staff will be working with the Government and Public Affairs Committee to develop the required report to the Legislature on the Board's license fee structure and whether the Board needs to consider plans for restructuring its fees.

Ms. Cruz asked for a timeline for the Committee to develop the report to the Legislature regarding the Board's license fee structure. Ms. Walker stated the Committee will continue to monitor the budget at each of its meetings and will begin evaluating data regarding the impacts of the fee increase by January 2024.

Public Comment: None.

5. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Board's Records Retention Schedule

Ms. Walker presented Board staff's proposed changes to its records retention schedule. The Board is required to manage its records in accordance with the policies and procedures established by DCA and the California Records and Information Management Program (CalRIM). The maintenance, retention, preservation, and disposal of state records are accounted for by maintaining a current records retention schedule. The Board's most recent records retention schedule, Schedule No. 2014-01, was filed with CalRIM on April 18, 2014, expired on April 22, 2019, and must be updated. Most of the necessary updates to the schedule are administrative in nature, such as adding records from the Connect system, accounting for additional electronic records, and ensuring the types of records within each of the Board's units are accurately reflected in the schedule.

Ms. Walker informed the Committee that the last schedule specified the retention of Board meeting minutes for a total of 27 years. Due to the fact that meeting minutes provide a historical record of all formal action taken by the Board, staff recommends increasing this retention period and maintaining these records for 100 years.

Ms. Walker established that the last schedule specified the retention of continuing education records for just one year. Staff recommends increasing this retention period to five years to align it with the Board's auditing period for licensees' continuing education records. This change will ensure staff is able to cross-reference the approved course records when conducting audits of licensees' course completion records.

Ms. Walker stated the previous schedule specified the retention of disciplinary case files (identified as "administrative cases" in the schedule), including cases resulting in the revocation or surrender of a license, for a total of 25 years. This timeframe is problematic as a former licensee could potentially file a new application for licensure or petition the Board for reinstatement of their revoked or surrendered license after the

disciplinary case file has been destroyed. Therefore, staff recommends raising the retention period for disciplinary case files that result in the revocation or surrender of a license from 25 years to 75 years.

Ms. Cruz asked why 100 years was specified for the Board meeting minutes. Ms. Walker stated 100 years is the maximum amount of time a document could be retained, and the meeting minutes should be retained for the maximum length of time possible due to their historical relevance.

Mr. Sweet inquired if electronic storage could be utilized as opposed to a storage facility. Ms. Walker stated that this is the long-term goal for the Board's records and noted the Connect system allows for records to be stored electronically. For remediation of older documents, the current departmental system utilized does not meet all of the requirements specified by law so the Board cannot completely purge underlying paper files at this time, but Board staff are exploring potential software solutions.

Mr. Sweet asked if there would be an added financial burden by increasing the retention schedule. Ms. Walker stated there is a nominal fee each month when records are stored at the State Records Center but noted it would not significantly affect the Board's expenses.

Ms. Cruz asked if the Board would be working with a third party for the electronic records storage. Ms. Walker stated it would involve the Board working with DCA to identify a software platform that meets the applicable requirements, and it would likely be a third-party contract. This will aid the Board's efforts to go paperless.

Ms. Cruz asked if the move to electronic records was an agency-wide approach or if it was specific to the Board. Ms. Walker stated it is specific to each of the programs and there are other boards and bureaus that utilize electronic records storage software.

Motion: Mr. Sweet moved to recommend to the Board that the records retention schedule be amended to retain meeting minutes for 100 years, continuing education records for five years, and disciplinary case files resulting in revoked or surrendered licenses for 75 years.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

Vote: 2-0 (Ms. Cruz-AYE and Mr. Sweet-AYE).

Motion: Carried.

6. Review, Discussion, and Possible Recommendation Regarding the Onboarding Process for New Board Members

Ms. Ah Po provided an overview of the current onboarding process for new Board members. The Board Member Administrative Procedure Manual states that within six months of appointment, the new Board member shall travel to the Board office in Sacramento for orientation with the Executive Officer and one Board member assigned by the Board Chair. Items to be covered should include introductions to staff, review of staff roles and responsibilities, administrative processes, historical information, and overall expectations. Ms. Ah Po asked the Committee whether changes to this process are necessary in order to better support new Board members.

Ms. Walker asked Ms. Cruz and Mr. Sweet to reflect on their experiences as new Board members, as staff want to ensure the onboarding process is effective.

The Committee discussed ideas for improving the onboarding process, including the following:

- Providing a meet-and-greet with the Executive Officer and Board Chair prior to an orientation.
- Covering Board member roles and responsibilities and Board functions during a structured orientation session with the Executive Officer, an existing Board member, and legal counsel.
- Assigning an existing Board member to act as a mentor and point-of-contact for the new Board member.
- Including the option to conduct the meet-and-greet and orientation session virtually.
- Preparing and providing a comprehensive binder of materials on Board functions, committees and their roles, pertinent laws and regulations (i.e., the Bagley-Keene Open Meetings Act), chiropractic colleges, and the other agencies or associations involved with the Board (i.e., the Department of Consumer Affairs, the Federation of Chiropractic Licensing Boards, state and national associations, etc.).
- Designating a Board staff member as the single point-of-contact and creating a clear list of the deadlines for onboarding paperwork and training requirements.

Public Comment: None.

7. Public Comment for Items Not on the Agenda

Public Comment: None.

8. Future Agenda Items

Public Comment: None.

9. Adjournment

Ms. Cruz adjourned the meeting at 12:21 p.m.