



**BOARD OF CHIROPRACTIC EXAMINERS
CONTINUING EDUCATION COMMITTEE
MEETING MINUTES
October 6, 2022**

In accordance with the statutory provisions of Government Code section 11133, the Continuing Education Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on October 6, 2022.

Committee Members Present

David Paris, D.C., Chair
Laurence Adams, D.C.
Pamela Daniels, D.C.

Staff Present

Kristin Walker, Acting 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

Dr. Paris called the meeting to order at 12:02 p.m. Dr. Adams called the roll. All members were present, and a quorum was established.

2. Review and Possible Approval of May 7, 2021 and February 9, 2022 Licensing and Continuing Education Committee Meeting Minutes

Motion: Dr. Adams moved to approve the May 7, 2021 and February 9, 2022 Licensing and Continuing Education Committee Meeting Minutes.

Second: Dr. Daniels seconded the motion.

Public Comment: None.

Vote: 3-0 (Dr. Paris-AYE, Dr. Adams-AYE, and Dr. Daniels-AYE).

Motion: Carried.

3. Update on Board's Continuing Education (CE) Program

Ms. Walker updated the Committee on the CE Program. The Connect system was implemented as part of the Business Modernization Project. Enhancements to Connect are expected to be released by early December as part of the maintenance and

operations phase of the project. These enhancements include updating the online renewal system by replacing the CE certificate upload requirement with self-attestation to promote licensee utilization. After the enhancements are implemented, staff will work with the DCA Office of Information Services and vendor on developing the CE provider and course approval processes into the system.

Ms. Walker advised the Committee that Senate Bill (SB) 1434 (Roth, Chapter 623, Statutes of 2022) was signed by Governor Newsom on September 27, 2022 and will become effective on January 1, 2023. The bill includes an updated fee schedule, and the fee to apply to be a CE provider will increase to \$291, the fee for biennial CE provider renewal will increase to \$118, and the fee for course approval will increase to \$116 per hour of instruction.

Ms. Walker apprised the Committee on the status of proposed CE regulations. The proposal regarding the approval of CE courses and distance learning (California Code of Regulations [CCR], title 16, sections 363 and 363.1) will define and differentiate between the three learning formats for CE courses – in-person learning experiences, live and interactive courses given via electronic means, and distance learning – and allow licensees to complete CE virtually, with the exception of chiropractic adjustive technique. Ms. Walker stated staff plans to return the CE Exemptions and Reduction of Requirements proposal (amend CCR, title 16, section 364) to the Committee at the December 2, 2022 meeting for further review.

Ms. Walker stated staff has been conducting a comprehensive review of its existing paper-based processes to identify and remove any duplicative or unnecessary steps to improve processing timeframes and prepare for the integration into Connect. Ms. Walker noted a decrease in the number of received and approved CE course applications in fiscal year 2021-22 and staff will begin tracking processing times to include in future updates.

Dr. Daniels asked if “satisfactory proof” had been defined in the CE Exemptions and Reduction of Requirements (CCR, title 16, section 364) proposal. Ms. Walker stated that topic is being returned to the Committee for discussion. Initially, the Board was seeking the ability to issue an exemption to cover a population of licensees affected, but staff was advised by legal counsel that the Board does not have that broad authority, so the individual licensees must demonstrate how they meet the circumstances set by the Board. Dr. Paris asked Ms. Walker to confirm that if the state or a specific county government declared a state of emergency, then licensees would need to apply individually to the Board for exemption of the CE requirement. Ms. Walker confirmed that this was the recommendation of legal counsel.

Dr. Adams asked for the status of the proposed regulation voted on at the April 2022 meeting to change the definition of distance learning to include only on-demand formats. Ms. Walker stated the regulatory language includes the prior CE course application which will need to be updated to reflect the three new learning formats – in-

person learning experiences, live and interactive courses given via electronic means, and distance learning. Dr. Adams questioned the need for the CE course application to be updated. Ms. Walker explained that changes to the Board's regulations must stand up to scrutiny by the Office of Administrative Law (OAL). Therefore, the format for each learning environment must be defined, not only distance learning, which affects the course application. The CE course application was incorporated into the regulation in 2010. The application must be updated as well because it would no longer coincide with regulation. Later in the agenda, the Committee will discuss the course approval process which involves the same sections of regulations. This will cause a timeline issue if the Board decides to move both concurrently. The Board can either merge the regulations into a single package or hold the course approval regulation back while continuing the path currently in progress.

Dr. Adams asked for a timeline for expected completion. Ms. Walker stated the timeline depends on whether there are additional changes to the course approval process that must be included in the package to OAL and on the public's perception of the draft regulation once submitted to OAL. There is a required 45-day public notice period after OAL submittal. If the Board does not receive public comments or the comments are in support of the regulation and no changes are requested, the process moves faster and could be approved in 2023. If there are extensive public comments that require a response or issuing new text, the process will take up to one year.

Dr. Paris asked for the reasoning behind the use of "experiences" in the course format definitions. Ms. Walker stated that regulatory counsel aided staff in developing the definitions to encompass different learning experiences, such as classroom versus seminar.

Dr. Paris asked for the current percentage of licensees renewing online. Ms. Walker stated the current utilization rate is only about 25% of licensees while other boards have much higher rates. Ms. Walker reiterated the need for the enhancements that are planned to occur in the next few months to increase online renewal utilization.

Public Comment: Lewis Meltz, D.C., a licensee and CE provider, asked for the rate courses are rejected and the criteria for the rejection rates.

Marcus Strutz, D.C., a licensee and CE provider, asked for clarification on the application process and if the three different earning formats will require a separate application for the same course content.

Shasta Carey from the California Chiropractic Association asked if CE providers will receive guidance or outlines for the expectations for course application submittal.

4. Review, Discussion, and Possible Recommendation Regarding the Repetition of CE Courses

Ms. Ah Po requested the Committee discuss whether changes to the Board's current continuing education requirements are necessary to address licensees earning credit for repeating CE courses. When a person applies for reinstatement or restoration of a license, they are required to fulfill the CE requirements for each year that their license was revoked. The Board has often observed that petitioners repeat the same CE courses to meet this requirement instead of completing a variety of courses.

Ms. Ah Po explained that the Board's current regulations do not restrict or prohibit a licensee from earning CE credit multiple times by repeating a course. The Committee was asked to consider a motion to either direct staff to develop a regulatory proposal to specifically address this issue or include this topic in the comprehensive updates to the CE requirements. Staff prepared questions for the Committee to discuss.

Dr. Adams agreed that this is often seen in petitioners' applications and stated a licensee should not repeat a course more than twice in a renewal cycle. Licensees may want to take a course a second time to fully absorb the information.

Dr. Daniels stated licensees should not get credit for repeating a CE course. Many courses have their content available online after completion and licensees can review the course content without credit. Dr. Daniels stated the purpose of CE is for licensees to expand their horizons and maintain or learn new skills. Dr. Daniels added that it is not in the public's best interest to have individuals who are petitioning for reinstatement to take multiple years' worth of CE within a short period of time.

Dr. Paris agreed that licensees should not take a course more than once during a renewal cycle and proclaimed public safety is assured by licensees demonstrating a breadth of knowledge of the subject matter. Dr. Paris shared the same concerns as Dr. Daniels and noted the Board has seen an increase in petitioners repeating CE courses several times. Dr. Paris suggested the Board ensure public safety by requiring individuals who petition for reinstatement be required to take CE for each year their license was revoked or surrendered up to four years. If a license has been revoked or surrendered for five years or longer, they must pass the National Board of Chiropractic Examiners' (NBCE) Part IV Examination in order to be reinstated. Dr. Adams agreed that the NBCE Part IV Examination should be taken by those petitioning for reinstatement.

Ms. Knight stated many other healthcare boards do not allow for repetition of a course within a renewal cycle. Dr. Paris confirmed licensees will be responsible for ensuring they do not repeat CE courses within a single renewal cycle. Dr. Daniels and Dr. Adams agreed.

Dr. Daniels asked Ms. Walker if the discussion regarding limiting the repetition of courses within a renewal cycle for petitions for reinstatement or license restorations

should be discussed by the Enforcement Committee. Ms. Walker stated the Enforcement Committee should address the petition process and the Licensing Committee should address the qualifications for renewing a license that is in a forfeited or canceled status.

Public Comment: Dr. Strutz stated he has seen licensees repeat courses, but it would be impossible for providers to prevent the repeating of courses by a licensee. Dr. Strutz liked the idea of petitioners passing the NBCE examination and requiring licensees to take multiple types of classes.

Dr. Vy asked if she prepays for a class and it gets canceled, so she is forced to repeat a course, would she fail a CE audit.

Cliff Tao, D.C., a licensee and CE provider, requested the Board consider limiting the repetition of CE courses to asynchronous online courses only and allow live synchronous courses to be repeated. Dr. Tao stated he offers a live course several times a year and the course application says they will be discussing and summarizing cases, but different cases are discussed each time the course is offered. The same approval code is used every time, but each course date offers vastly different information.

Dr. Strutz agreed with Dr. Tao regarding content changes for in-person versus online courses and with Dr. Daniels regarding students being able to access course notes on his website.

Ms. Carey stated repetition of live courses should be limited to two times within a renewal period.

Dr. Adams reiterated that a CE course should not be taken more than twice within a single renewal cycle. Dr. Daniels and Dr. Paris reaffirmed that a course should only be taken a single time for credit within a single renewal cycle to promote the safety and welfare of the public.

The CE Committee recommended the Enforcement Committee discuss amending CCR, title 16, section 365 (Revoked Licenses) to limit the repetition of CE courses for petitions of reinstatement of a revoked or surrendered license and to consider requiring the NBCE Part IV examination before reinstatement if a license has been revoked for five years or more and setting a maximum of four renewal cycles' worth of CE be required.

The CE Committee recommended the Licensing Committee discuss amending CCR, title 16, section 371 (Annual License Renewals and Restoration) to limit the repetition of CE courses with a single renewal cycle when restoring a license.

Motion: Dr. Paris moved to direct staff to develop language that reflects the discussion and the desire for licensees to not get credit for repeated courses in one renewal cycle.

Second: Dr. Adams seconded the motion.

Vote: 3-0 (Dr. Paris-AYE, Dr. Adams-AYE, and Dr. Daniels-AYE).

Public Comment: None.

Motion: Carried.

5. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to Annual CE Requirements for Licensees, Including Revised Subject Areas (California Code of Regulations [CCR], Title 16, section 361)

Ms. Walker presented the topic for Committee discussion. The Committee has been developing revisions to the annual CE requirements for licensees to align mandatory subject areas with core competencies necessary for patient safety. Ms. Walker provided the Committee with summaries of the proposed CE requirements discussed to date, including:

- 24 hours of CE per renewal cycle with a minimum of 10 hours earned through the four mandatory competencies:
 - Competency 1 - Evaluation and Management (4 hours)
 - Competency 2 – Documentation, Record Keeping, and Coding (2 hours)
 - Competency 3* – Adjustment, Technique, or Manipulation (2 hours), which must be completed through an in-person learning experience
 - Competency 4 – Ethics, Law, and Jurisprudence (2 hours)

Ms. Walker stated the remaining 14 hours may be earned through a combination of activities including via Board-approved courses in Competency 5 – Electives, which is a broad category to encompass subject areas regarding the profession. Licensees can take 12 hours total via distance learning and earn a maximum of 12 hours of CE in a single day.

Dr. Daniels asked if the competencies, such as Competency 1 – Evaluation and Management, would be fully defined so staff, CE providers, and licensees will know what is considered that competency. Dr. Paris confirmed the competencies will be defined. Competency 1 refers to all aspects of history taking, physical examination, informed consent, medical decision making, and initial and follow-up evaluations.

Dr. Daniels and Dr. Adams agreed that licensees should be able to satisfy Competency 3 by taking the course in-person or via a live and interactive course given via electronic means.

Dr. Daniels contended that in-person adjustive technique courses generally do not cover informed consent or history taking and examination before the adjustment is shown, usually on an attendee, or when techniques are practiced on each other. Dr. Daniels argued that licensees could subconsciously learn from in-person courses

that there are situations where informed consent and examination are unnecessary which is a public safety issue. The Board has had many cases brought before it where no informed consent or examination was done prior to an adjustment.

Dr. Daniels informed the Committee of several studies and research papers that have shown no evidence that offline learning works better than online learning and urged the Committee to trust that licensees who are motivated will learn no matter the format. Licensees know how to perform adjustive techniques and should be competent enough to apply the new techniques learned from a live and interactive course given via electronic means.

Public Comment: Dr. Strutz stated he issued a poll of his students and 95% agreed that all hours should be able to be completed via a live videoconference. He suggested that there be requirements for adjustive technique courses offered via a videoconference, such as requiring a partner to practice the set-up.

Dr. Vy expressed how much she enjoys taking adjustive technique courses taught through live interactive video conference courses.

An individual identified as “gk” stated he is a spinal cord injury patient and would prefer chiropractors take continuing education in-person for practical skills.

Dr. Strutz disagreed with “gk” and stated CE courses are not meant to master a skill. He said it is not possible to master a technique in a two-hour course.

The Committee discussed moving forward with a motion to remove the requirement for Competency 3 to be taught solely through in person learning experiences.

Motion: Dr. Adams moved to direct staff to amend the draft regulatory language to remove the requirement that Competency 3 be taught exclusively in-person.

Dr. Paris requested the Committee consider that Competency 3 only be taught in-person or via a live and interactive course given via electronic means. Dr. Adams and Dr. Daniels agreed. Ms. Walker asked if that was the only competency that should have this requirement. Dr. Paris suggested Competencies 1 and 3 have this requirement to be taught through a live and interactive course given via electronic means or in-person because Competency 1 includes face-to-face interactions with patients, examination, and decision-making processes. Dr. Daniels and Dr. Adams agreed.

Amended Motion: Dr. Adams moved to direct staff to continue drafting the current language but require Competencies 1 and 3 be achieved through live and interactive courses given via electronic means or in-person learning experiences and Competencies 2, 4, and 5 can be achieved through any of the three learning formats.

Second: Dr. Paris seconded the amended motion.

Public Comment: None.

Vote: 3-0 (Dr. Paris-AYE, Dr. Adams-AYE, and Dr. Daniels-AYE).

Motion: Carried.

6. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Board's CE Course Review and Approval Process, Including a Potential Renewal Process for Previously Approved Courses (CCR, Title 16, sections 363 and 363.1)

This agenda item was tabled to the next Continuing Education Committee meeting due to time constraints.

7. Public Comment for Items Not on the Agenda

Public Comment: Dr. Strutz voiced his concern over the increase in CE provider fees that will become effective on January 1, 2023.

8. Future Agenda Items

Dr. Paris requested the Committee consider a biennial license renewal.

Public Comment: Dr. Strutz urged the Committee to come up with a solution to lower CE providers' fees.

9. Adjournment

Dr. Paris adjourned the meeting at 2:17 p.m.