



**BOARD OF CHIROPRACTIC EXAMINERS  
CONTINUING EDUCATION COMMITTEE  
MEETING MINUTES  
December 2, 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 December 2, 2022.

**Committee Members Present**

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

**Staff Present**

Kristin Walker, Executive Officer  
Dixie Van Allen, Licensing & Administration Manager  
William Walker III, Enforcement Manager  
Amanda Ah Po, Enforcement Analyst  
Tammi Pitto, 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 12:31 p.m. Dr. Adams called the roll. All members were present, and a quorum was established.

**2. Review and Possible Approval of October 6, 2022 and October 25, 2022  
Committee Meeting Minutes**

**Motion: Dr. Adams moved to approve the October 6, 2022 and October 25, 2022 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 recent changes to the Connect system, including simplifying the renewal process for doctor of chiropractic licenses and satellite

certificates. She shared staff has been working with DCA's Office of Information Services (OIS) and the software vendor to develop a method for licensees to securely store their CE records in Connect, and that functionality is expected to be included in the next software release currently planned for early 2023.

Ms. Walker also provided an overview of the four pending regulatory proposals that affect the Board's Continuing Education Program:

- Annual CE Requirements for Licensees and CE Course Approval Process (Amend California Code of Regulations [CCR], Title 16, Sections 360-364): This proposal will be discussed under Agenda Item 4 and would update the annual CE requirements for licensees, establish five competency areas that will be approved by the Board, define the three learning formats, update the course application and approval process, and implement a new reapproval process for courses that have previously been approved by the Board;
- Basic Life Support Certification for All Licensees (Amend CCR, Title 16, Section 371 and Add CCR, Title 16, Section 371.1): This proposal would require basic life support certification as a condition of holding an active license. Staff reviewed the proposed language that was previously approved by the Board and believes further clarification is necessary before moving forward with the regulatory package. Staff plans to present the regulatory proposal to the Committee for discussion in early 2023.
- CE Exemptions and Reduction of Requirements (Add CCR, Title 16, Section 364.1): This proposal would create a process for the Board to grant a hardship exemption or modification to the CE requirements for a licensee who has been adversely affected by a natural disaster, a declared state of emergency, or other special circumstances. Staff is developing this proposal and plans to present it to the Committee for discussion following the completion of the two proposals listed above.
- CE Provider Approval Process and Appeal Process for Denial of CE Course and Provider Applications: This proposal would enhance the CE provider application process, update the process for appealing the denial of a CE course or provider application, and potentially implement a notice of violation process after determining a CE provider or course does not comply with the Board's regulations. The Committee will resume its discussion of this proposal following the completion of the first two proposals listed above.

**Public Comment:** None.

#### **4. Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Annual CE Requirements for Licensees and the Board's CE Course Review and Approval Process (Amend California Code of Regulations, Title 16, sections 360-364)**

Ms. Walker presented proposed amendments to the Board's CE regulations to the Committee. She stated CCR, title 16, section 360 (Continuing Education Fees) was updated for consistency with the new fee schedule that becomes effective January 1, 2023, pursuant to Senate Bill 1434 (Roth, Chapter 623, Statutes of 2022), and a placeholder was added for the fee amount for approval of courses that have been previously approved by the Board. She explained that after the final framework for the CE regulations has been approved by the Committee, staff will provide options for course approval and reapproval fees.

She continued with CCR, title 16, section 361 (Annual Continuing Education Requirements for Doctors of Chiropractic), which consolidates all methods by which licensees may earn CE credit into a single section for clarity. Ms. Walker informed the Committee that a tentative implementation date of January 1, 2025, was selected based on the goal of having the amended regulations in effect by January 1, 2024, which would allow for a one-year period for previously approved applications to expire and new applications to be approved under the new criteria and competency areas. She noted subdivision (c) outlines the mandatory competency areas and hours previously discussed by the Committee, with the exception of Competency 4: Ethics, Law, and Jurisprudence, which staff recommends broadening and renaming as "Ethics, Law, and Professional Boundaries."

Ms. Walker outlined staff's recommendation to grant CE credit for completion of a supervisory-level sexual harassment prevention training program by a state or federal government agency, and noted California law (Government Code section 12950.1) requires all employers of five or more employees to provide training regarding sexual harassment and abusive conduct prevention. She also suggested the Committee discuss: increasing the number of hours licensees can earn from attending a Board meeting from four hours to eight hours; and whether CE credit should continue to be limited to Board meetings that also contain petition hearings.

She stated CCR, title 16, section 361, subdivision (e), lists the limitations and restrictions that apply to the annual CE requirement and staff recommends the Committee consider limiting the number of hours that can be earned per day to eight. She also informed the Committee that subdivision (f) contains proposed definitions of the five competency areas and noted the topics within Competency 5: Electives are only examples and not intended to be a complete list.

Ms. Walker explained CCR, title 16, section 362 (Continuing Education Provider Approval, Duties, and Responsibilities) was broadened to include CE providers who are recognized by the Federation of Chiropractic Licensing Boards (FCLB) Providers of

Approved Continuing Education (PACE) program to provide chiropractic CE courses, and noted PACE-recognized providers would be able to apply for approval of CE courses. Dr. Adams asked if PACE providers would still need to complete the same course approval process as Board-approved providers. Ms. Walker responded affirmatively.

Ms. Walker continued with CCR, title 16, section 363 (Approval of Continuing Education Courses). She explained the terms “synchronous” and “asynchronous” were added to the definitions of the learning formats to provide additional clarity. She also noted this section outlines the requirements for applying for initial course approval and reapproval. Ms. Walker stated the initial course review process includes staff reviewing each application within 15 days of receipt for any deficiencies and giving the CE provider a deadline of 90 days to resolve the identified deficiencies; if the issues are not resolved, the application will be deemed abandoned. She stated within 30 days of receipt of a complete application package, the determination to approve or deny a course will be made and the provider will be notified. She explained no changes were made to the existing denial process, and the Committee will be asked to consider potential updates at a future meeting as part of a separate regulatory proposal.

Ms. Walker noted no changes were made to CCR, title 16, section 363.1 (Distance Learning Courses) since the Committee’s last review except for the inclusion of the term “asynchronous” in the definition of distance learning.

Ms. Walker explained CCR, title 16, section 364 (Exemptions from Annual Continuing Education Requirement) has been simplified to only define the circumstances where licensees would not be required to complete CE. She noted this section previously contained different methods by which licensees could earn CE credit and those items were moved to section 361. She also stated the prior exemption that allowed licensees with a physical disability to earn all CE credit via distance learning has been removed because licensees will no longer be mandated to attend CE courses in-person and can meet their CE requirements through completion of courses electronically.

Ms. Walker outlined staff’s recommendation to align the criminal and disciplinary history questions on the CE instructor attestation form with the grounds for denial of a license specified in Business and Professions Code section 480. She also asked the Committee for further clarification on the reapproval process for CE courses and the annual certification process that was discussed by the Committee at the October 25, 2022 meeting. She noted the addition of an annual certification form for each CE course would involve significant time for staff and providers, and suggested that staff develop an automated notification process through Connect to remind providers of their obligations and ensure they timely notify the Board of any changes to their courses.

Dr. Adams asked if the attestation form is for providers or instructors. Ms. Walker replied the purpose of the form is to check the instructor's criminal and disciplinary history prior to approving them to teach a course. Dr. Adams asked if providers are required to disclose that information to the Board. Ms. Walker explained a potential provider background check process is planned for inclusion in a separate regulatory proposal in the future. Dr. Adams expressed the need for both to be addressed in these regulations. Ms. Walker added one of the challenges of implementing the attestation at the provider level is that providers can be individuals, corporations, and institutions, whereas instructors are individuals directly involved in the course. Dr. Adams agreed and emphasized the importance of identifying those involved with the large provider organizations.

Dr. Paris expressed his support for renaming Competency 4 as "Ethics, Law, and Professional Boundaries." Drs. Adams and Daniels agreed.

Dr. Daniels stated the Board should provide licensees with links to the trainings offered by state and federal agencies on its website and encourage licensees to take the supervisory-level sexual harassment prevention trainings. Dr. Paris agreed it would be beneficial to provide direct links to acceptable courses to eliminate confusion by licensees, and asked Ms. Walker if it was possible to post that information on the website. Ms. Walker confirmed it was and suggested a direct link to the California Department of Civil Rights' website which has an on-demand course that is available to the public. Ms. Walker noted the supervisory-level course is more comprehensive which is why it was specified in the proposed regulation. Dr. Adams agreed the supervisory-level course is appropriate, as most licensees are in a supervisory capacity at their practices.

Dr. Paris asked if it would be possible when a licensee requests to take an equivalent course to add it to a list on the Board's website when approved. Dr. Daniels reiterated the importance of providing more resources to licensees. Dr. Adams suggested including a note on the list to advise licensees to submit courses they do not see on the list to Board staff for review. Ms. Knight advised the Committee that staff can look to other DCA boards to see how they handle similar scenarios.

Dr. Paris shared his concerns with allowing 12 hours of CE credit to be earned in a single day, which actually results in a 13- to 14-hour day when accounting for meal breaks, due to the difficulty in maintaining active focus and participation for that length of time and suggested the Committee discuss reducing the maximum number of hours per day to eight. Dr. Adams shared some of Dr. Paris' concerns but noted it often depends on the licensee and explained he personally can participate in a course for 12 hours if it is a topic he enjoys. He suggested licensees can self-regulate and learn at their own pace. Dr. Daniels agreed with Dr. Adams and cautioned against over-regulating licensees. The Committee agreed to keep the maximum amount of CE credit that can be earned per day at 12 hours.

Dr. Paris expressed his support for the changes to the instructor attestation form and suggested the form be used as a template for the provider attestation form. Drs. Adams and Daniels agreed.

**Public Comment:** “Call-in User 2” thanked the Committee for the platform, acknowledged the discussion, and stated he had no comment.

Dr. Adams asked if staff had recommendations for the application fee for previously approved CE courses. Ms. Walker stated staff will develop different proposals based on this meeting’s discussion and will make a recommendation after the proposed framework has been finalized. Ms. Walker noted the maximum fee amount is \$116 per hour of instruction and can be reduced through regulation.

Dr. Adams praised staff for their work on the draft regulations and competency descriptions, and stated they give CE providers great direction. He asked if “Diagnostic testing procedures, interpretation, and technologies” found in CCR, title 16, section 361, subdivision (f)(5)(C), was redundant to Competency 1: Evaluation and Management, as defined in subdivision (f)(1). He also noted the terms “Principles of practice,” “Rehabilitation,” and “Public health” found within subdivision (f)(5)(J), (L), and (M), are vague and may require further definition. Ms. Walker suggested adding examples to those topics for clarity and explained the intent of Competency 5: Electives is to provide flexibility to CE providers to provide general education on topics related to the current knowledge, skills, and abilities necessary for competent practice in California. She noted some topics are listed as examples to provide guidance to CE providers as they transition to the new CE requirements.

Dr. Daniels commended staff for their work on the draft regulations and suggested the Committee review the proposed language within the meeting materials page-by-page. Dr. Paris agreed.

Dr. Daniels asked if licensees should be awarded mandatory CE credit under Competency 1: Evaluation and Management for completion of the Basic Life Support (BLS) certification, as opposed to general CE credit as an approved activity.

Dr. Paris stated he believes the focus of Competency 1: Evaluation and Management is for cases typically seen in a chiropractic office rather than emergency situations where BLS is required, as those situations are rare. He noted BLS is an important topic but would take two hours away from the core learning on evaluation and management services. Dr. Daniels responded that emergency situations may be rare, but the Board has seen disciplinary cases where licensees did not handle the situation appropriately and the Board should emphasize the importance of its licensees’ ability to respond to such situations and provide BLS.

Dr. Daniels then asked if CCR, title 16, section 361, subdivision (d)(3) (Sexual Harassment Prevention Training), would crossover with Competency 4: Ethics, Law, and Professional Boundaries because the training coincides with understanding



professional boundaries. Dr. Paris agreed that the supervisory-level sexual harassment prevention training offered by the Department of Civil Rights or another state or federal government agency should be eligible for two hours of mandatory CE credit under Competency 4. Dr. Adams expressed concerns that a licensee could take the training every year and not be exposed to other important ethical or law issues. Dr. Paris stated the Board does not currently track licensees' annual coursework and requiring it be at the supervisory-level through a state or federal government agency will ensure the quality of the training.

Dr. Paris reminded the Committee that the Board is considering a mandate for licensees be certified in BLS to ensure licensees' preparedness for emergency situations and including the certification course as an activity eligible for CE credit will aid licensees.

The Committee discussed whether there was overlap between the competencies and if it could confuse CE providers and staff. The Committee agreed that clarifying language was needed to differentiate between Competency 1: Evaluation and Management and the example of "diagnostic testing procedures" within Competency 5: Electives. Dr. Adams asked if the process of directing or managing a patient's care would be considered Competency 1 and the reviewing of x-rays, MRIs, and CT scans would fall under Competency 5. Dr. Paris responded affirmatively.

Ms. Walker asked if the Committee's intent was for a CE course in Competency 1: Evaluation and Management to incorporate all aspects of the competency's definition in order to be approved for credit, and noted the draft language could be amended to reflect more flexibility if the Committee so desired. Dr. Daniels liked the draft language because it represents the intent of the regulation but stated not all components should be required to be approved. Ms. Walker stated staff will make any necessary adjustments to the draft language.

Dr. Paris recommended the terms "Principles of practice," "Rehabilitation," and "Public health" be further defined with examples. Dr. Adams suggested research or epidemiology be added under "Public health." Dr. Paris recommended listing a separate topic for emerging research, research design and evaluation, and case studies. Dr. Daniels suggested the Committee consider awarding CE credit to licensees for conducting research or participating in a case study.

Dr. Daniels asked if the timeline for CE provider applicants to be notified of deficiencies should be updated given the recent deficiency on a CE provider application noted at the October 2022 Board meeting. Ms. Walker suggested this application be given the same timeline as a deficient CE course application to allow applicants to rectify a deficiency prior to a Board meeting. Dr. Daniels agreed.

Dr. Adams asked if allowing CE providers 30 days to issue CE certificates was too long of a timeframe and suggested five or 10 days instead. Dr. Daniels agreed CE providers should issue certificates in less time, but wanted to allow for flexibility in case of an unforeseen circumstance. Ms. Walker reminded the Committee that the intent behind

the draft regulations is to expeditiously move the new licensee CE requirements and course approval process forward, and a future regulatory proposal is planned to update CE provider requirements.

Ms. Walker stated staff needs additional direction from the Committee on the reapproval of a course. She stated at the last meeting, the Committee discussed a potential annual certification process for CE providers to attest that the course content is still current and relevant with no changes made. She noted this requirement would need to be added to the regulations if the Committee wished to proceed with it.

Dr. Adams referenced a written comment submission by Marcus Strutz, D.C., a licensee and CE provider, and stated he recognizes Dr. Strutz' point that an outline may not often change for a course, but the material will be updated as new information or research becomes available on a specific topic. Dr. Adams added that a three-year course approval cycle was suitable. Dr. Paris agreed that the Board should encourage providers to keep their course content current without necessarily having to change the course outline. Dr. Daniels shared the course objectives and outlines could remain the same but the application must have a declaration and documentation demonstrating that new information has been provided because the Board needs to ensure public safety and the education of its licensees; otherwise, there is no guarantee that providers are reviewing and updating their courses. Dr. Daniels suggested an attachment to the application with a brief description of the studies referenced in the course.

Dr. Daniels suggested the providers complete an attestation form within the three-year approval cycle and provide additional information upon application for reapproval, but not at the same level as the initial course review. Dr. Adams concurred. Ms. Walker asked the Committee to clarify if their intent is for providers to submit a certification form for each course annually or for providers to complete the certification when they apply for reapproval with annual reminders from staff that it is the provider's responsibility to ensure their course content is up-to-date, file all course dates with the Board, and obtain Board approval if any changes have been made. Drs. Paris and Adams agreed the annual reminder is sufficient. Dr. Daniels asked if the fee for a reapproval application would be based on the reduced staff time. Dr. Adams answered affirmatively.

Dr. Daniels asked if a single course application could be utilized for more than one learning format. Ms. Walker confirmed that is the intent and explained during the application process, the provider would outline the learning format(s) they intend to offer the course through and provide sufficient documentation to meet the specific requirements of the identified format(s). She stated the provider would then receive a unique course approval number for each learning format offered.

**Public Comment:** "Call-in User 2" thanked the Committee for including the public and acknowledged the discussion.



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

**Public Comment:** None.

## **6. Future Agenda Items**

Dr. Daniels requested two topics be placed on the agenda of a future meeting:  
1) discussion of granting CE credit for licensees who conduct research in chiropractic;  
and 2) development of regulatory language for verification of attendance during live and interactive courses given via electronic means. Dr. Daniels also asked that a deadline of at least 24 hours prior to a meeting be set for receiving written public comments to allow the Committee sufficient time to review them. Dr. Paris agreed.

**Public Comment:** None.

## **7. Schedule 2023 Committee Meetings**

Dr. Paris suggested staff poll the Committee members for future meeting dates due to time constraints. Drs. Daniels and Adams agreed but suggested the meetings could also be scheduled at the January 4, 2023 Committee meeting. Ms. Walker confirmed staff will poll the Committee for future meeting dates.

**Public Comment:** None.

## **8. Adjournment**

Dr. Paris adjourned the meeting at 2:39 p.m.