



NOTICE OF TELECONFERENCE BOARD MEETING

Board Members

David Paris, D.C., Chair
Laurence Adams, D.C., Vice Chair
Rafael Sweet, Secretary
Janette N.V. Cruz
Pamela Daniels, D.C.

The Board of Chiropractic Examiners (Board) will meet by teleconference on:

Thursday, April 20, 2023

9:00 a.m. to 5:00 p.m.

(or until completion of business)

Teleconference Instructions: The Board will hold a public meeting via Webex Events. Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

To access and participate in the meeting via teleconference, attendees will need to click on, or copy and paste into a URL field, the link below and enter their name, email address, and the event password, or join by phone using the access information below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m3680e6268db1e23145f32d890a884578>

If joining using the link above

Webinar number: 2482 527 7305

Webinar password: BCE420

If joining by phone

+1-415-655-0001 US Toll

Access code: 248 252 77305

Passcode: 223420

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

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the Webex platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXXX@mailinator.com.

Note: Members of the public may also submit written comments to the Board on any agenda item by Monday, April 17, 2023. Written comments should be directed to chiro.info@dca.ca.gov for Board consideration.

The Board may take action on any agenda item listed on this agenda, including information-only items.

AGENDA

- 1. Open Session – Call to Order / Roll Call / Establishment of a Quorum**
- 2. 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 Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a).]
- 3. Petition Hearing for Reinstatement of Revoked License**
 - Thomas Joseph Zorich, License No. DC 20052, Case No. AC 2006-509
- 4. Closed Session – The Board Will Meet in Closed Session to:**
 - A. Deliberate and Vote on Disciplinary Matters, Including the Above Petition, Pursuant to Government Code Section 11126, subd. (c)(3)
 - B. Confer with and Receive Advice from Legal Counsel Regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162, Pursuant to Government Code Section 11126, subd. (e)
- 5. Reconvene to Open Session**
- 6. Board Chair’s Report**
- 7. Update on the Department of Consumer Affairs (DCA) by the DCA Office of Board and Bureau Relations**
- 8. Review and Possible Approval of January 20, 2023 Board Meeting Minutes**
- 9. Review and Possible Ratification of Approved Doctor of Chiropractic License Applications**
- 10. Review and Possible Ratification of Approved Continuing Education Provider Applications**
- 11. Executive Officer’s Report and Updates on:**
 - A. Administration, Continuing Education, Enforcement, and Licensing Programs
 - B. Board’s Budget and Fund Condition
 - C. Business Modernization Project and Implementation of Connect System
 - D. Status of Board’s Pending Regulatory Proposals
 - E. Board’s 2022–2026 Strategic Plan Objectives

12. Licensing Committee Report

- A. Committee Chair's Update on February 24, 2023 Meeting
- B. Review, Discussion, and Possible Action on Committee's Recommendation Regarding Regulatory Proposal Concerning the Filing of an Address of Record and Collection of Licensee Telephone Numbers and Email Addresses for Board Directory (Implement [Senate Bill \[SB\] 1434 \[Roth, Chapter 623, Statutes of 2022\]](#) by Amending California Code of Regulations [CCR], Title 16, section 303)

13. Enforcement Committee Report

- Committee Chair's Update on March 2, 2023 Meeting

14. Government and Public Affairs Committee Report

- A. Committee Chair's Update on March 13, 2023 Meeting
- B. Review, Discussion, and Possible Action on Committee's Recommendation to Support:
 - i. [Assembly Bill \(AB\) 883 \(Mathis\)](#) Business licenses: United States Department of Defense SkillBridge program.
 - ii. [AB 996 \(Low\)](#) Department of Consumer Affairs: continuing education: conflict-of-interest policy.
 - iii. [AB 1751 \(Gipson\)](#) Opioid prescriptions: information: nonpharmacological treatments for pain.

15. Review, Discussion, and Possible Action on Legislation Related to the Board, the Chiropractic Profession, DCA, and/or Other DCA Healing Arts Boards

- A. [AB 477 \(Waldron\)](#) Legislative review of state boards.
- B. [AB 765 \(Wood\)](#) Physicians and surgeons.
- C. [AB 795 \(Flora\)](#) Unlawful sale of equipment, supplies, or services.
- D. [AB 796 \(Weber\)](#) Athletic trainers.
- E. [AB 814 \(Lowenthal\)](#) Veterinary medicine: animal physical rehabilitation.
- F. [AB 1028 \(McKinnor\)](#) Reporting of crimes: mandated reporters.
- G. [AB 1055 \(Bains\)](#) Alcohol drug counselors.
- H. [AB 1707 \(Pacheco\)](#) Health professionals and facilities: adverse actions based on another state's law.
- I. [SB 259 \(Seyarto\)](#) Reports submitted to legislative committees.
- J. [SB 279 \(Niello\)](#) Administrative regulations: public participation: comment process.
- K. [SB 372 \(Menjivar\)](#) Department of Consumer Affairs: licensee and registrant records: name and gender changes.
- L. [SB 544 \(Laird\)](#) Bagley-Keene Open Meeting Act: teleconferencing.
- M. [SB 802 \(Roth\)](#) Licensing boards: disqualification from licensure: criminal conviction.

16. Review, Discussion, and Possible Action on Regulatory Proposal Regarding Disciplinary Decisions Involving Sexual Contact with a Patient and Required Actions Against Registered Sex Offenders (add CCR, Title 16, sections 384.1 and 384.2)

17. Review, Discussion, and Possible Action on Regulatory Proposal Regarding Annual Continuing Education (CE) Requirements for Licensees and the Board's CE Course Review and Approval Process (amend CCR, Title 16, sections 360–364)

18. Future Agenda Items

Note: Members of the Board and the public may submit proposed agenda items for a future Board meeting. However, the Board 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.]

19. Adjournment

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

The Board plans to webcast this meeting at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please attend the meeting via Webex Events. 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 Board 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 Board, but the Board 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 Board to discuss items not on the agenda; however, the Board 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)).

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

Telecommunications Relay Service: Dial 711

Mailing Address:

Board of Chiropractic Examiners

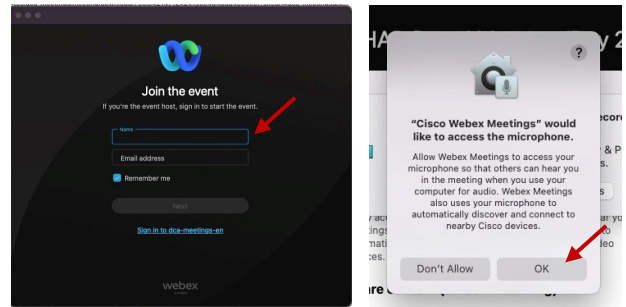
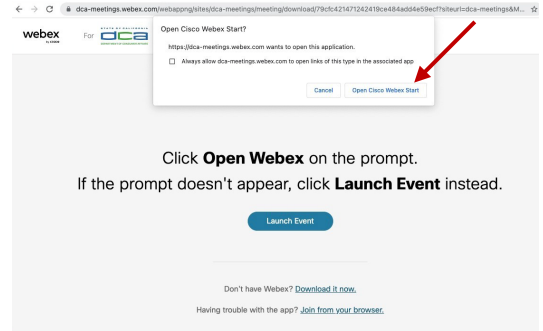
1625 N. Market Blvd., Suite N-327

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.

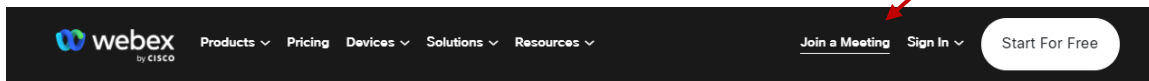


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

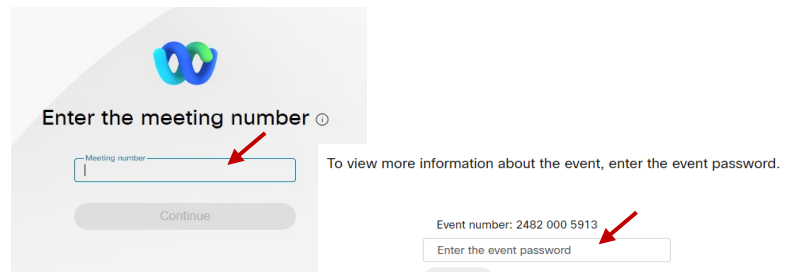
OR

If joining from Webex.com

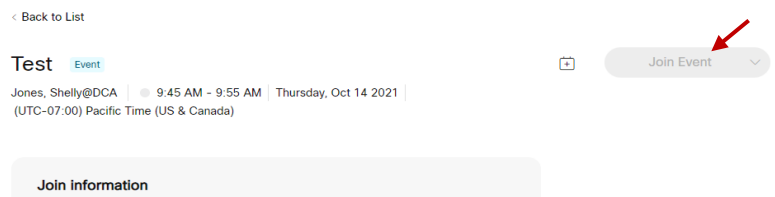
- 1 Click on "Join a Meeting" at the top of the Webex window.



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



- 3 The meeting information will be displayed. Click "Join Event".



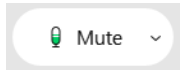
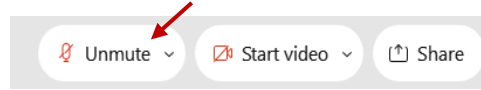
OR

Connect via telephone*:

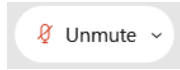
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

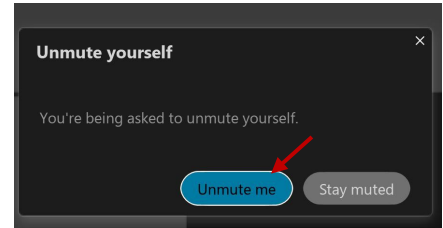


Green microphone = Unmuted: People in the meeting can hear you.



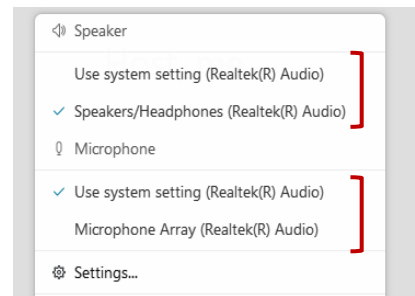
Red microphone = Muted: No one in the meeting can hear you.

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



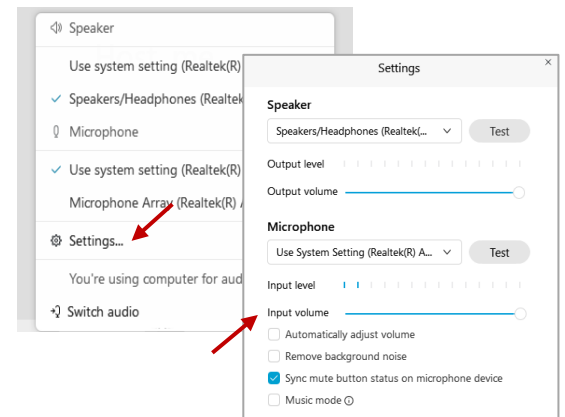
If you cannot hear or be heard

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



If your microphone volume is too low or too high

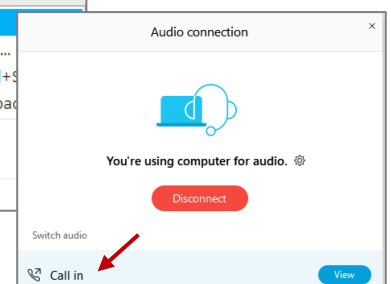
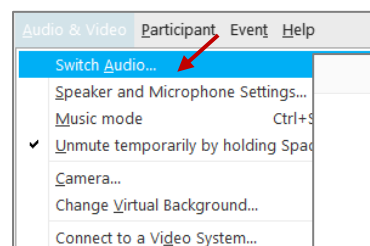
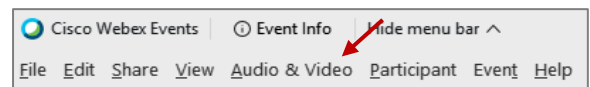
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

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

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



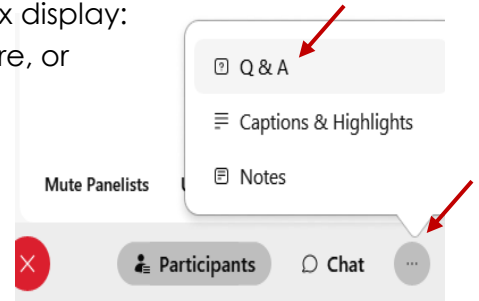
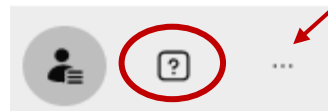
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

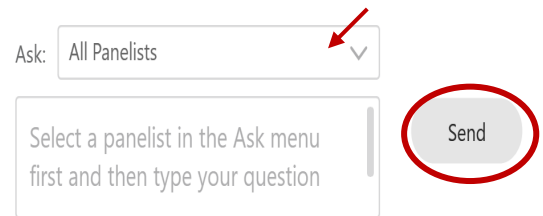
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

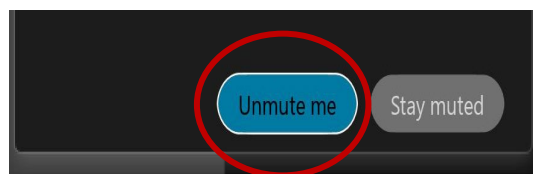
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

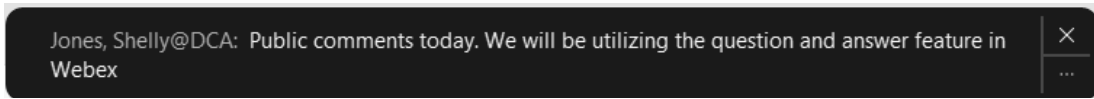


OR

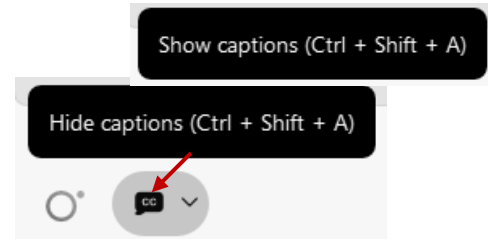
If connected via telephone:

- Press *3 to unmute your microphone.

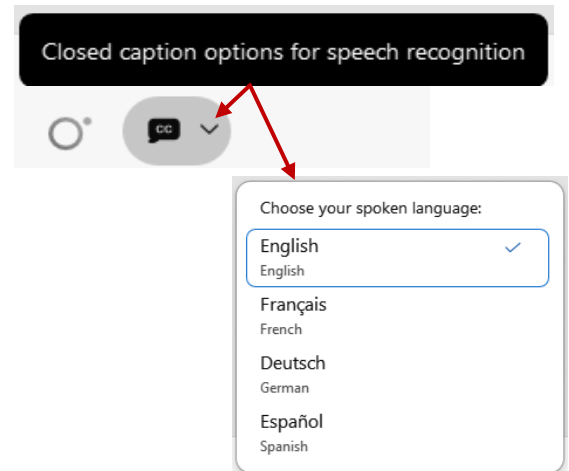
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



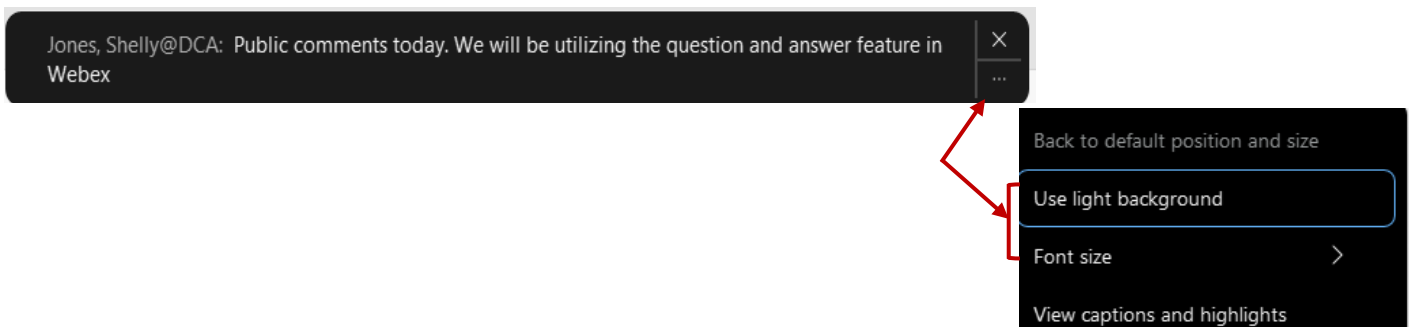
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





Agenda Item 1
April 20, 2023

Open Session – Call to Order / Roll Call / Establishment of a Quorum

Purpose of the Item

David Paris, D.C., Chair of the Board of Chiropractic Examiners, will call the meeting to order. Roll will be called by Board Secretary Rafael Sweet.

Board Members

David Paris, D.C., Chair
Laurence Adams, D.C., Vice Chair
Rafael Sweet, Secretary
Janette N.V. Cruz
Pamela Daniels, D.C.



Agenda Item 2
April 20, 2023

Public Comment for Items Not on the Agenda

Purpose of the Item

At this time, members of the public may offer public comment for items not on the meeting agenda.

The Board may not discuss or take action on any matter raised during this public comment section that is not included on the agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7, subd. (a).]



Agenda Item 3
April 20, 2023

Petition Hearing for Reinstatement of Revoked License

Purpose of the Item

The Board will conduct a hearing on the following petition for reinstatement of a revoked license:

- Thomas Joseph Zorich, License No. DC 20052, Case No. AC 2006-509



Agenda Item 4
April 20, 2023

Closed Session

Purpose of the Item

The Board will meet in closed session to:

- A. Deliberate and Vote on Disciplinary Matters, Including the Above Petition, Pursuant to Government Code Section 11126, subd. (c)(3)**
- B. Confer with and Receive Advice from Legal Counsel Regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162, Pursuant to Government Code Section 11126, subd. (e)**



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS
1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834
P (916) 263-5355 | Toll-Free (866) 543-1311 | F (916) 327-0039 | www.chiro.ca.gov



Agenda Item 5
April 20, 2023

Reconvene to Open Session

Time: _____



Agenda Item 6
April 20, 2023

Board Chair's Report

Purpose of the Item

Board Chair David Paris, D.C. will provide an update to the Board on recent activities and outreach opportunities.

Action Requested

This agenda item is informational only and provided as a status update to the Board. No action is required or requested at this time.



Agenda Item 7
April 20, 2023

**Update on the Department of Consumer Affairs (DCA) by the DCA Office of
Board and Bureau Relations**

Purpose of the Item

Judie Bucciarelli from the DCA Office of Board and Bureau Relations will provide the Board with an update on DCA programs and activities.

Action Requested

This agenda item is informational only and provided as a status update to the Board. No action is required or requested at this time.



Agenda Item 8
April 20, 2023

Review and Possible Approval of January 20, 2023 Board Meeting Minutes

Purpose of the Item

The Board will review and possibly approve the draft minutes of the previous meeting held on January 20, 2023.

Action Requested

The Board will be asked to make a motion to approve the Board meeting minutes.

Handout

- January 20, 2023 Board Meeting Minutes (Draft)



**Agenda Item 9
April 20, 2023**

Review and Possible Ratification of Approved Doctor of Chiropractic License Applications

Purpose of the Item

The Board will review and ratify the attached list of approved applications for initial Doctor of Chiropractic licenses.

Action Requested

The Board will be asked to make a motion to ratify the attached list of approved license applications.

Background

Staff reviewed and confirmed that the applicants on the attached list of approved applications for initial Doctor of Chiropractic licenses met all statutory and regulatory requirements for licensure.

Attachment

- List of Approved Applications for Initial Doctor of Chiropractic Licenses Issued from January 1, 2023 to March 31, 2023

**List of Approved Applications for Initial Doctor of Chiropractic Licenses
Issued from January 1, 2023 to March 31, 2023**

First Name	Middle Name	Last Name	Date Issued	License No.*
Caitlin	Amber	Jennings	02/03/2023	DC 35156
Christopher	Anthony	Dominic	02/03/2023	DC 35157
Dath		Xiong	02/03/2023	DC 35158
Michael	Anthony	Fontana	02/03/2023	DC 35159
Christopher	Ryan	Whalen	02/03/2023	DC 35160
Victoria	Rose	Champany	02/03/2023	DC 35161
Scott	L	Martinez	02/03/2023	DC 35162
Nancy	Madrigal	Villalpando	02/03/2023	DC 35163
Sarah	Eileen	Beste-Simmler	02/03/2023	DC 35164
Tien	Giang Nhu	Truong	02/03/2023	DC 35165
Stephanie		Cheung	02/17/2023	DC 35166
Renee	Taylor	Hall	02/17/2023	DC 35167
Taylor	Renee	Hall	02/17/2023	DC 35167
Trevor	William	Hollingsworth	02/17/2023	DC 35168
Andrew	Raymond	Morrow	02/17/2023	DC 35169
Nicholas	Carl	Ashley	02/17/2023	DC 35170
Peter	Minh-Tri	Le	02/24/2023	DC 35171
Jeremy	Tyler	Yang	02/24/2023	DC 35172
John	Devon	Herrera	02/24/2023	DC 35173
Alissa		Avina	03/21/2023	DC 35174
Nemuel Biejay	Sandico	Tan	03/21/2023	DC 35175
Nemuel	Biejay	Tan	03/21/2023	DC 35175
Nathaniel	Allen	Ramil	03/21/2023	DC 35176
Michael	David	Knott	01/19/2023	DC 36535
Jaskiran	Kaur	Bath	01/19/2023	DC 36536
Jordan		Cordon	01/19/2023	DC 36537
Dorsha		Nichols	01/19/2023	DC 36538

**Agenda Item 9
Attachment**

First Name	Middle Name	Last Name	Date Issued	License No.*
M	Ryan	Saldivar	01/19/2023	DC 36539
Elbert		Chao	01/19/2023	DC 36540
Mathew		Finley	01/19/2023	DC 36541
Rebekah		Boron-Trotter	01/19/2023	DC 36542
Isaiah		Guebara	01/19/2023	DC 36543
Chi Sun		Choi	01/19/2023	DC 36544
Brandon		Nissen	01/19/2023	DC 36545
Zackary	Cusati	Fulks	01/20/2023	DC 36546
Nadiem		Fahel	01/20/2023	DC 36547
Arna		Kilicarslan	01/20/2023	DC 36548
Zakariya		Champa	01/20/2023	DC 36549
Kevork		Merdkhanian	01/20/2023	DC 36550
Michelle	Nicole	Snider	01/20/2023	DC 36551
Sydney		Kaye	01/30/2023	DC 36552
Samantha		Pena	01/30/2023	DC 36553
Gholamreza		Shahhosseini	01/30/2023	DC 36554
Jiwon	Jason	Hong	01/30/2023	DC 36555
Joshua	Alan	Wood	01/30/2023	DC 36556
Christine	Doyle	Glidden	01/30/2023	DC 36557
Benafsha		Sahibzadah	01/30/2023	DC 36558
Jason		Ngan	01/30/2023	DC 36559
Matthew		Glynn	01/30/2023	DC 36560
John	T	Cybulski	01/30/2023	DC 36561
Everardo		Camacho	01/30/2023	DC 36562
Nguyen		Nguyen	01/30/2023	DC 36563
Andy		Lu	02/01/2023	DC 36564
Thomas	Edward	Danisiewicz	02/13/2023	DC 36565
Christina		Mishreki	02/13/2023	DC 36566
Corey	Sammy	Croft	02/13/2023	DC 36567

**Agenda Item 9
Attachment**

First Name	Middle Name	Last Name	Date Issued	License No.*
Nathan		Amezcuca	02/13/2023	DC 36568
Kendall	Lane	Schluchter	02/13/2023	DC 36569
Manuel		Rivas	02/13/2023	DC 36570
Megan		Ng	02/13/2023	DC 36571
Kelsey		Martin	02/13/2023	DC 36572
Katelyn	Michelle	Sakamoto	02/13/2023	DC 36573
Brandon		Fein	02/13/2023	DC 36574
Zachary		Acencio	02/13/2023	DC 36575
David	Justine Bern	Dionson	02/14/2023	DC 36576
Andrew		Verdaguer	02/14/2023	DC 36577
Mabel		De La Luz	02/14/2023	DC 36578
Oluwatomsin	Philip	Osinfolarin	02/14/2023	DC 36579
Melinda		Pham	02/14/2023	DC 36580
Hailey	Paige	Danko	02/14/2023	DC 36581
Mary		Azoian	02/14/2023	DC 36582
Curtis		Ouyang	02/14/2023	DC 36583
Kristina		Tauran	02/14/2023	DC 36584
Megan	Riley	Jones	02/14/2023	DC 36585
Andre	Mark	Cayabyab	02/14/2023	DC 36586
Alyssa		Price	02/14/2023	DC 36587
Teena	Kathleen	Woeber	02/23/2023	DC 36588
Jessica	Leigh	Tolentino	02/23/2023	DC 36589
Christopher	Michael	Manning	02/23/2023	DC 36590
Corbin		Jackson	02/23/2023	DC 36591
Cecilia	Sze Heng	Yu	02/23/2023	DC 36592
Rushdi		Helo	02/23/2023	DC 36593
Christopher	Richard	Young	02/23/2023	DC 36594
Shannon		Hatfield	02/23/2023	DC 36595
Eleeza		Owens	02/23/2023	DC 36596

**Agenda Item 9
Attachment**

First Name	Middle Name	Last Name	Date Issued	License No.*
Gideon		Tseng	02/23/2023	DC 36597
Abby	Pauline	Endres	02/23/2023	DC 36598
James		Stang	02/23/2023	DC 36599
Eric		Pitpitan	02/23/2023	DC 36600
Andrew	Daniel	Oh	02/23/2023	DC 36601
Louis		Thibault	02/23/2023	DC 36602
Dalton	Jacob	Williams	02/23/2023	DC 36603
Madison		Marquez	02/23/2023	DC 36604
Samantha	Briana	Adams	02/23/2023	DC 36605
Angelo		Gassoumis	02/23/2023	DC 36606
Thimmy	Kjell Tobias	Garbenius	02/23/2023	DC 36607
Edmond	Ngee Jun	Lim	02/23/2023	DC 36608
Sang	Won	Rhee	02/23/2023	DC 36609
Xavier	Quinntin	Crawford	02/23/2023	DC 36610
Jessica	Ruth	Amador-Castellanos	03/02/2023	DC 36611
Young	Mi	Le	03/02/2023	DC 36612
Kaitlyn	Emily	Lester	03/02/2023	DC 36613
Sue		Bedi	03/06/2023	DC 36614
Taylor	Ann	Langdon	03/06/2023	DC 36615
Kevin	Thanh	Do	03/06/2023	DC 36616
Alvin	Nector	Alvarez	03/06/2023	DC 36617
Tracy	Megumi	Wheelwright	03/06/2023	DC 36618
Joann		Figueroa	03/06/2023	DC 36619
Anthony		Moursalian	03/06/2023	DC 36620
Vance		Dokes	03/06/2023	DC 36621
Justin		Mcdaniel	03/06/2023	DC 36622
Gevork		Orudzhyan	03/16/2023	DC 36623
Ryan	Cole	Raymond	03/16/2023	DC 36624
Angela		Stephens	03/16/2023	DC 36625

**Agenda Item 9
Attachment**

First Name	Middle Name	Last Name	Date Issued	License No.*
Angela		Baldrige	03/16/2023	DC 36625
Frederick		Choi	03/16/2023	DC 36626
Claudia		Rodriguez Artud	03/16/2023	DC 36627
Christian	Velasco	Caragao	03/16/2023	DC 36628
Daniella	Theodora	Vivanco	03/16/2023	DC 36629
Mckenzie		Cervini	03/16/2023	DC 36630
Barry		Smith	03/21/2023	DC 36631
Julianna	Marie	Oates	03/21/2023	DC 36632
Ciara		Maldonado	03/21/2023	DC 36633
Alireza		Chizari	03/21/2023	DC 36634
Kaylan	Sasha	Lane	03/21/2023	DC 36635
Tim		Stanfill	03/21/2023	DC 36636
Antonio		Figueroa Jr	03/21/2023	DC 36637

***License numbers beginning with DC 36535 were issued through the Board's Connect system.**



**Agenda Item 10
 April 20, 2023**

Review and Possible Ratification of Approved Continuing Education Provider Applications

Purpose of the Item

The Board will review and ratify the applications for new continuing education (CE) providers.

Action Requested

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

Provider Name	CE Oversight Contact Person	Provider Status
Aspine Health Group, Inc.	Juan J. Villa, D.C.	Corporation
Larrie Goldsmith, D.C.	Larrie Goldsmith, D.C.	Individual
Michael Wasilisin	Zee Good	Individual
Oregon Chiropractic Association	Jan Ferrante	Professional Association
Reveal Diagnostics	Christen Gadd	Corporation

Background

Staff reviewed and confirmed that the above CE provider applications meet all regulatory requirements for approval.

Attachment(s)

N/A – To maintain compliance with Assembly Bill 434 (Baker, Chapter 780, Statutes of 2017) [State Web accessibility: standard and reports], the Board is unable to provide scanned documents on its website. To obtain a copy of the CE provider applications through a California Public Records Act request, please email chiro.info@dca.ca.gov or send a written request to the Board’s office at the address above.



Agenda Item 11
April 20, 2023

Executive Officer's Report and Updates

Purpose of the Item

The Executive Officer will provide the Board with an update on:

- A. Administration, Continuing Education, Enforcement, and Licensing Programs**
- B. Board's Budget and Fund Condition**
- C. Business Modernization Project and Implementation of Connect System**
- D. Status of Board's Pending Rulemaking Packages**
- E. Board's 2022–2026 Strategic Plan Objectives**

Action Requested

This agenda item is informational only and provided as a status update to the Board. No action is required or requested at this time.

Handout

A memo containing an update on the Board's programs and statistics, budget and fund condition, pending regulatory proposals, and 2022–2026 Strategic Plan objectives will be distributed as a supplemental handout to these meeting materials.



Agenda Item 12
April 20, 2023

Licensing Committee Report

Purpose of the Item

The Board will:

- A. Receive an update from Committee Chair Pamela Daniels, D.C. on the February 24, 2023 Licensing Committee meeting; and
- B. Review, discuss, and possibly act on the Committee's recommendation regarding the regulatory proposal concerning the filing of an address of record and the collection of licensee telephone numbers and email addresses for the Board directory (implement [Senate Bill \[SB\] 1434 \[Roth, Chapter 623, Statutes of 2022\]](#) by amending California Code of Regulations [CCR], title 16, section 303).

Action Requested

The Board will be asked to consider the Committee's recommendation to approve the proposed text to amend CCR, title 16, section 303 and initiate the rulemaking process.

Background

The Committee met by teleconference (Webex) on February 24, 2023, and discussed the following items:

Process for Licensure Through Reciprocity (Section 9 of the Chiropractic Initiative Act and CCR, Title 16, Section 323)

The Committee reviewed and discussed the Board's current requirements and application process for obtaining licensure as a doctor of chiropractic through interstate reciprocity.

The Committee also began its initial policy discussion of New Issue #6 from the Board's [2022 Sunset Review](#), which asks the Board to consider whether the requirements for granting license reciprocity to applicants holding active licenses in other states or countries should be revised in order to attract qualified doctors of chiropractic to the state of California, and Objective 1.3 from the Board's [2022–2026 Strategic Plan](#) to review reciprocity requirements to minimize barriers to licensure in California.

Staff updated the Committee on its efforts to conduct an environmental scan to compare the Board's licensure requirements, including reciprocity, scope of practice, and continuing education, to the other state chiropractic boards and the other healing arts professions within the Department of Consumer Affairs. After completion of the

Licensing Committee Report
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environmental scan, staff will compile the findings and recommendations into a report on reciprocity for the Committee's review. The final report is expected to be completed in summer 2023.

Renewal Requirements and Fees for Inactive Licenses (CCR, Title 16, Sections 370 and 371)

The Committee reviewed the renewal requirements, fees, and reactivation process for inactive doctor of chiropractic licenses and the underlying statutory authority found in Business and Professions Code (BPC) section 700 et seq. and provided guidance to staff on a draft survey to collect feedback from licensees and stakeholders regarding inactive licenses.

The Committee also discussed how the use of the phrase "not actively engaged in the practice of [their] profession" and the prohibition against engaging in "any activity for which an active license or certificate is required" in BPC sections 700 and 702, respectively, for inactive licensees are vague and should be further clarified for the practice of chiropractic.

Regulatory Proposal Regarding the Filing of an Address of Record and the Collection of Licensee Telephone Numbers and Email Addresses for the Board's Directory (Implement SB 1434 [Roth, Chapter 623, Statutes of 2022] by Amending CCR, Title 16, Section 303)

The Committee also reviewed and discussed a regulatory proposal to clarify the filing of a public address of record and collect licensees' telephone numbers and email addresses for the Board's directory.

CCR, title 16, section 303 (Filing of Addresses) currently requires each licensee to file their "proper and current place of practice address of [their] principal office" and "each and every sub office" with the Board. However, these terms are vague and not specifically defined within any statute or the Board's regulations.

The Board's sunset bill, SB 1434 (Roth, Chapter 623, Statutes of 2022), amended BPC section 1001 to require the Board to include the telephone number and email address of each person who holds an unforfeited and unrevoked certificate to practice chiropractic in the state of California in the Board's annual directory. BPC section 1001 also authorizes the Board to require the persons designated in that section to furnish such information as the Board may deem necessary to enable it to compile the directory.

Another statute, BPC section 27, requires the boards and bureaus within DCA to provide specified information regarding their licensees on the internet and prohibits the inclusion of personal information. This section requires the entities to: 1) disclose each licensee's "address of record" on the internet; and 2) allow a licensee to provide a post office box number or other alternate address as the address of record. This section also permits the entities to require a licensee who has provided a post office box or other

Licensing Committee Report

April 20, 2023

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alternative mailing address as the address of record to also provide a physical business address or residence address only for the entity's internal administrative use.

Furthermore, BPC section 136 requires each licensee within a DCA board to notify the issuing board at its principal office of any change in the person's mailing address within 30 days after the change, unless the board has specified by regulations a shorter time period.

In order to collect licensees' telephone numbers and email addresses for inclusion in the Board's directory and clarify the filing of a licensee's public "address of record," staff developed proposed regulatory language to amend CCR, title 16, section 303. Through this proposal, licensees would be required to file the following contact information with the Board:

(1) Address of Record. Each licensee shall provide a mailing address to the Board which will be designated as their address of record and utilized for all official and formal communications from the Board, disclosed to the public, posted on the Board's online license information system, and included in the Board's directory. If the address of record provided by the licensee is a post office box or other private mailbox service, the licensee shall also provide an alternate physical address solely for the Board's internal administrative use and not for disclosure to the public.

(2) Telephone Number. Each licensee shall provide their business telephone number, if any, for inclusion in the Board's directory. If the licensee does not have a business telephone number, the licensee may provide an alternate telephone number solely for the Board's internal administrative use and not for disclosure to the public. If the licensee does not have a telephone number, the licensee shall disclose that fact to the Board.

(3) Email Address. Each licensee shall provide their business email address, if any, for inclusion in the Board's directory. If the licensee does not have a business email address, the licensee may provide an alternate email address solely for the Board's internal administrative use and not for disclosure to the public. If the licensee does not have an email address, the licensee shall disclose that fact to the Board.

After discussion, the Committee voted to move the proposal to the Board with a recommendation to approve the proposed text to amend CCR, title 16, section 303 and initiate the rulemaking process. The proposed text can be found under Attachment 2 and has been reviewed and approved by the Board's regulatory legal counsel.

At this meeting, the Board is asked to consider the Committee's recommendation. If the Board agrees with the Committee and wishes to proceed with the regulatory proposal as drafted, staff recommends that the Board make the following motion:

Suggested Motion: Approve the proposed regulatory text for California Code of Regulations (CCR), title 16, section 303 in Attachment 2, direct staff to submit the

Licensing Committee Report
April 20, 2023
Page 4

text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation for CCR, title 16, section 303 as noticed.

Attachments

1. February 24, 2023 Licensing Committee Notice and Agenda
2. Proposed Regulatory Language to Amend California Code of Regulations, Title 16, Section 303



**Agenda Item 12
Attachment 1**

**NOTICE OF TELECONFERENCE
LICENSING COMMITTEE MEETING**

Committee Members

Pamela Daniels, D.C., Chair
Janette N.V. Cruz

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

**Friday, February 24, 2023
10:30 a.m. to 12:30 p.m.
(or until completion of business)**

The Committee may take action on any agenda item.

Teleconference Instructions: The Licensing Committee will hold a public meeting via Webex Events. Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

To access and participate in the meeting via teleconference, attendees will need to click on, or copy and paste into a URL field, the link below and enter their name, email address, and the event password, or join by phone using the access information below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m01b811410f05642a6fdb67bf76601948>

If joining using the link above

Webinar number: 2489 688 4557
Webinar password: BCE02242023

If joining by phone

+1-415-655-0001 US Toll
Access code: 248 968 84557
Passcode: 22302242

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

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the Webex platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Note: Members of the public may also submit written comments to the Committee on any agenda item by Tuesday, February 21, 2023. Written comments should be directed to chiro.info@dca.ca.gov for Committee consideration.

AGENDA

- 1. Call to Order / Roll Call / Establishment of a Quorum**
- 2. Review and Possible Approval of December 9, 2022 Committee Meeting Minutes**
- 3. Update on Board's Licensing Program**
- 4. Review, Discussion, and Possible Recommendation Regarding Regulatory Proposal to Collect Licensee Telephone Numbers and Email Addresses for Board Directory (Implement [Senate Bill 1434 \[Roth, Chapter 623, Statutes of 2022\]](#) by Amending California Code of Regulations [CCR], Title 16, section 303)**
- 5. Review, Discussion, and Possible Recommendation Regarding the Process for Licensure Through Reciprocity (Section 9 of the Chiropractic Initiative Act and CCR, Title 16, section 323)**
- 6. Review, Discussion, and Possible Recommendations Regarding the Renewal Requirements and Fees for Inactive Licenses (CCR, Title 16, sections 370 and 371)**
- 7. 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).]
- 8. 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.]
- 9. Adjournment**

This agenda can be found on the Board's website at 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 are open to the public.

The Board plans to webcast this meeting at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not

available. If you wish to participate or to have a guaranteed opportunity to observe, please attend the meeting via Webex Events.

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

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.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

PROPOSED REGULATORY LANGUAGE
Filing of Addresses and Contact Information

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend Section 303 of Division 4 of Title 16 of the California Code of Regulations to read as follows:

§ 303. Filing of Addresses and Contact Information.

(a) Each person holding a license to practice chiropractic in the State of California under any and all laws administered by the ~~h~~Board shall file ~~his proper and current place of practice address of his principal office and, where appropriate, each and every sub-office,~~ the following information with the ~~h~~Board at its office in Sacramento:

(1) Address of Record. Each licensee shall provide a mailing address to the Board which will be designated as their address of record and utilized for all official and formal communications from the Board, disclosed to the public, posted on the Board's online license information system, and included in the Board's directory pursuant to Business and Professions code section 1001. If the address of record provided by the licensee is a post office box or other private mailbox service, the licensee shall also provide an alternate physical address solely for the Board's internal administrative use and not for disclosure to the public.

(2) Telephone Number. Each licensee shall provide their business telephone number, if any, for inclusion in the Board's directory pursuant to Business and Professions code section 1001. If the licensee does not have a business telephone number, the licensee may provide an alternate personal telephone number solely for the Board's internal administrative use and not for disclosure to the public. If the licensee does not have a telephone number, the licensee shall disclose that fact to the Board in writing.

(3) Email Address. Each licensee shall provide their business email address, if any, for inclusion in the Board's directory pursuant to Business and Professions code section 1001. If the licensee does not have a business email address, the licensee may provide an alternate personal email address solely for the Board's internal

administrative use and not for disclosure to the public. If the licensee does not have an email address, the licensee shall disclose that fact to the Board in writing.

(b) and Each licensee shall immediately notify the Board at its said office of any and all changes of place of practice to their address of record, alternate physical address, telephone number, and/or email address, giving by providing both his their old and his new address, telephone number, and/or email address and the effective date of the change(s) within 30 fifteen (15) calendar days of any change in writing.

(c) For purposes of this section, "internal administrative use" means the use of a licensee's non-public address and/or contact information by the Board to contact or locate a licensee regarding a licensing matter or investigation.

(d) Failure to comply with the requirements of this section constitutes unprofessional conduct and shall subject the licensee to disciplinary action.

NOTE: Authority cited: Section 1001 of the Business and Professions Code and Sections 1000-4(b) and 1000-4(e), Business and Professions Code of the Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii. Reference: Sections 12.5, 27, 136, and 1001 of the Business and Professions Code and Section 1000-10(a), Business and Professions Code of the Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii.



Agenda Item 13
April 20, 2023

Enforcement Committee Report

Purpose of the Item

Committee Chair Laurence Adams, D.C. will provide the Board with an update on the March 2, 2023 Enforcement Committee meeting.

Action Requested

This agenda item is informational only and provided as a status update to the Board. No action is required or requested at this time.

Background

The Committee met by teleconference (Webex) on March 2, 2023, and discussed the following items:

Proposed Changes to the Board's *Disciplinary Guidelines and Model Disciplinary Orders* and Implementation of the Uniform Standards for Substance Abusing Licensees (Amend California Code of Regulations [CCR], Title 16, Section 384)

The Committee continued its work on the development of updates to the Board's *Disciplinary Guidelines and Model Disciplinary Orders* and the implementation of the Uniform Standards for Substance Abusing Licensees. The Committee had previously discussed options for when to apply the Uniform Standards in disciplinary decisions and updates to the standard and optional terms and conditions of probation to strengthen the effectiveness of the Board's probation monitoring program.

During this meeting, the Committee discussed the categorization and recommended penalties for violations of the statutes and regulations within the Board's jurisdiction. The Committee also considered the need to reclassify certain violations and to list the optional terms of probation that correspond with specific violations within the guidelines to provide more clarity to administrative law judges when drafting proposed decisions. Based on the Committee's feedback, staff is compiling a final regulatory proposal for the Committee's consideration at a future meeting.

Proposed Changes to the Record Keeping and Retention Requirements for Chiropractic Patient Records (Amend CCR, Title 16, Section 318)

The Committee continued its policy discussion regarding the development of a regulatory proposal to update the Board's record keeping requirements and address the retention of records in the event of the death, incapacity, or retirement of a licensee or upon the closure or sale of a chiropractic practice.

The Committee provided feedback to staff on draft proposed regulatory language regarding the creation of chiropractic patient records and required content, retention and disposal of records, and transfer of records due to the incapacity or death of a licensee, retirement, or the closure or sale of a practice. The Committee also noted the need for additional research regarding how other healing arts professions handle the transfer of patient records upon the death or incapacitation of a licensee.

Regulatory Proposal Regarding the Authorized Activities Performed by Unlicensed Individuals within a Chiropractic Practice (Amend CCR, Title 16, Section 312)

The Committee also continued its policy discussion regarding the pending regulatory proposal concerning the activities that unlicensed individuals are permitted to perform within a chiropractic practice.

The Committee reviewed research on other states' statutes, regulations, and policies regarding chiropractic assistants and provided feedback to staff on draft proposed language to amend CCR, title 16, section 312 (Supervision of Unlicensed Individuals), which would clarify the role of and delineate the activities that can be performed by unlicensed individuals within a chiropractic practice, define and establish the supervision requirements by a licensed doctor of chiropractic, and require that unlicensed individuals follow and provide only the treatment defined in the supervising doctor of chiropractic's treatment plan. In addition, the proposal would prohibit a former licensee of the Board or of any Department of Consumer Affairs healing arts board whose license was revoked or surrendered through disciplinary action from independently participating in any form of patient treatment or billing and, instead, require that individual to perform all activities within the facility under the direct supervision of a licensed doctor of chiropractic.

Following the discussion, the Committee requested that staff develop regulatory language to establish minimum training requirements for unlicensed individuals within a practice, such as education, certification, examination, and/or experience, and present potential options to the Committee for discussion at a future meeting.

Attachment

- March 2, 2023 Enforcement Committee Notice and Agenda



**Agenda Item 13
Attachment**

**NOTICE OF TELECONFERENCE
ENFORCEMENT COMMITTEE MEETING**

Committee Members

Laurence Adams, D.C., Chair
David Paris, D.C.
Rafael Sweet

The Board of Chiropractic Examiners' (Board) Enforcement Committee will meet by teleconference on:

**Thursday, March 2, 2023
12:00 p.m. to 2:00 p.m.
(or until completion of business)**

The Committee may take action on any agenda item.

Teleconference Instructions: The Enforcement Committee will hold a public meeting via Webex Events. Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

To access and participate in the meeting via teleconference, attendees will need to click on, or copy and paste into a URL field, the link below and enter their name, email address, and the event password, or join by phone using the access information below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mfb654af7c8f0f6215998beb52a634883>

If joining using the link above

Webinar number: 2488 931 0746
Webinar password: BCE03022023

If joining by phone

+1-415-655-0001 US Toll
Access code: 248 893 10746
Passcode: 22303022

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

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Note: Members of the public may also submit written comments to the Committee on any agenda item by Monday, February 27, 2023. Written comments should be directed to chiro.info@dca.ca.gov for Committee consideration.

AGENDA

1. **Call to Order / Roll Call / Establishment of a Quorum**
2. **Review and Possible Approval of December 9, 2022 Committee Meeting Minutes**
3. **Update on Board's Enforcement Program**
4. **Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Board's *Disciplinary Guidelines and Model Disciplinary Orders* and Implementation of the Uniform Standards for Substance Abusing Licensees (amend California Code of Regulations [CCR], Title 16, section 384)**
5. **Review, Discussion, and Possible Recommendation Regarding Proposed Changes to the Record Keeping and Retention Requirements for Chiropractic Patient Records (amend CCR, Title 16, section 318)**
6. **Review, Discussion, and Possible Recommendation Regarding the Authorized Activities Performed by Unlicensed Individuals within a Chiropractic Practice (amend CCR, Title 16, section 312)**
7. **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).]
8. **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.]
9. **Adjournment**

This agenda can be found on the Board's website at 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 are open to the public.

BCE Enforcement Committee Meeting Agenda

March 2, 2023

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The Board plans to webcast this meeting at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please attend the meeting via Webex Events.

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

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.



Agenda Item 14
April 20, 2023

Government and Public Affairs Committee Report

Purpose of the Item

The Board will:

- A. Receive an update from Committee Chair Janette N.V. Cruz on the March 13, 2023 Government and Public Affairs Committee meeting; and
- B. Review, discuss, and possibly act on the Committee's recommendation to support:
 - i. Assembly Bill (AB) 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.
 - ii. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.
 - iii. AB 1751 (Gipson) Opioid prescriptions: information: nonpharmacological treatments for pain.

Action Requested

The Board will be asked to consider the Committee's recommendation to take a support position on AB 883 (Mathis), AB 996 (Low), and AB 1751 (Gipson).

Background

The Committee met by teleconference (Webex) on March 13, 2023, and received an update on the Board's Administration Program, including the implementation of the Connect project and the status of the Board's budget, pending regulatory proposals, and progress toward achieving the Board's 2022–2026 Strategic Plan objectives.

The Committee also reviewed 22 bills that have been introduced during the 2023-24 legislative session related to the Board, the chiropractic profession, the Department of Consumer Affairs (DCA), and/or other DCA healing arts boards.

After discussion, the Committee voted to recommend that the Board support the following three bills:

1. **AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.**

Status: Referred to the Assembly Committee on Appropriations

Bill Analysis: 03/24/2023 – Assembly Business and Professions

Next Hearing Date: TBA

Summary: This bill would require a DCA board to expedite, and authorize the board to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program.

The SkillBridge program is an opportunity for service members to gain civilian work experience through specific industry training, apprenticeships, or internships during the last 180 days of military service prior to release from active duty.

Estimated Fiscal Impact on the Board: This bill will require approximately \$1,696 in staff time to develop a regulation package to update the initial license application form that is incorporated by reference to comply with the provisions of this bill. This impact is absorbable within the Board's existing resources and workload.

2. **[AB 996 \(Low\)](#) Department of Consumer Affairs: continuing education: conflict-of-interest policy.**

[Status:](#) Referred to the Assembly Committee on Business and Professions

[Bill Analysis:](#) N/A

Next Hearing Date: April 25, 2023

Summary: This bill would require any DCA board or bureau that is responsible for approving continuing education providers or courses to develop and maintain a conflict-of-interest policy that, at a minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course, and requires conflicts to be disclosed at the beginning of each continuing education course.

Estimated Fiscal Impact on the Board: This bill will require approximately \$2,840 in staff time to develop a regulation package to implement the provisions of this bill. This impact is absorbable within the Board's existing resources and workload.

3. **[AB 1751 \(Gipson\)](#) Opioid prescriptions: information: nonpharmacological treatments for pain.**

[Status:](#) Referred to the Assembly Committees on Health and Business and Professions

[Bill Analysis:](#) 04/07/2023 – Assembly Health

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Next Hearing Date: N/A

Summary: As introduced, this bill would require a prescriber to discuss all of the following with a patient, unless they meet certain exceptions, before directly dispensing or issuing the first prescription in a single course of treatment for a controlled substance containing an opioid: 1) the risks of addiction and overdose associated with the use of opioids; 2) the increased risk of addiction to an opioid for an individual who is suffering from both mental and substance abuse disorders; 3) the danger of taking an opioid with a benzodiazepine, alcohol, or another central nervous system depressant; 4) the availability of nonpharmacological treatments for pain; and 5) any other information required by law.

After discussing the required information with the patient, the prescriber would be required to: 1) obtain the patient's consent, as specified; and 2) offer, as deemed appropriate by the prescriber, a referral for a provider of nonpharmacological treatments for pain, such as acupuncture, chiropractic care, physical therapy, occupational therapy, and licensed mental health provider services.

In addition, this bill would make legislative findings and declarations relating to the importance of awareness of and access to nonpharmacological treatments for pain to combat the opioid crisis and providing that coverage of those treatments should be considered during the next update to the state's essential health benefits benchmark plan pursuant to Section 156.111 of Title 45 of the Code of Federal Regulations.

Estimated Fiscal Impact on the Board: None.

At this meeting, the Board is asked to discuss and consider the Committee's recommendation to support AB 883 (Mathis), AB 996 (Low), and AB 1751 (Gipson).

Attachments

1. March 13, 2023 Government and Public Affairs Committee Notice and Agenda
2. Copy of the Above-Referenced Bills (as of April 13, 2023)



**Agenda Item 14
Attachment 1**

NOTICE OF TELECONFERENCE
GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE MEETING

Committee Members

Janette N.V. Cruz, Chair
Rafael Sweet

**The Board of Chiropractic Examiners' (Board) Government and Public Affairs
Committee will meet by teleconference on:**

Monday, March 13, 2023
11:00 a.m. to 1:00 p.m.
(or until completion of business)

The Committee may take action on any agenda item.

Teleconference Instructions: The Government and Public Affairs Committee will hold a public meeting via Webex Events. Pursuant to the statutory provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

To access and participate in the meeting via teleconference, attendees will need to click on, or copy and paste into a URL field, the link below and enter their name, email address, and the event password, or join by phone using the access information below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m1daff47844b7f4db6b0233628d9e539e>

If joining using the link above

Webinar number: 2482 588 7158
Webinar password: BCE03132023

If joining by phone

+1-415-655-0001 US Toll
Access code: 248 258 87158
Passcode: 22303132

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

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the Webex platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXXX@mailinator.com.

Note: Members of the public may also submit written comments to the Committee on any agenda item by Thursday, March 9, 2023. Written comments should be directed to chiro.info@dca.ca.gov for Committee consideration.

AGENDA

- 1. Call to Order / Roll Call / Establishment of a Quorum**
- 2. Review and Possible Approval of December 5, 2022 Committee Meeting Minutes**
- 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 and 2022–2026 Strategic Plan Objectives**
- 4. Review, Discussion, and Possible Recommendation on Legislation Related to the Board, the Chiropractic Profession, the Department of Consumer Affairs (DCA), and/or Other DCA Healing Arts Boards**
 - A. [Assembly Bill \(AB\) 477 \(Waldron\)](#) Legislative review of state boards.
 - B. [AB 765 \(Wood\)](#) Physicians and surgeons.
 - C. [AB 795 \(Flora\)](#) Unlawful sale of equipment, supplies, or services.
 - D. [AB 796 \(Weber\)](#) Athletic trainers.
 - E. [AB 814 \(Lowenthal\)](#) Veterinary medicine: animal physical rehabilitation.
 - F. [AB 820 \(Reyes\)](#) State boards and commissions: seniors.
 - G. [AB 883 \(Mathis\)](#) Business licenses: United States Department of Defense SkillBridge program.
 - H. [AB 913 \(Petrie-Norris\)](#) Professions and vocations.
 - I. [AB 996 \(Low\)](#) Department of Consumer Affairs: continuing education: conflict-of-interest policy.
 - J. [AB 1028 \(McKinnor\)](#) Reporting of crimes: mandated reporters.
 - K. [AB 1055 \(Bains\)](#) Alcohol drug counselors.
 - L. [AB 1101 \(Flora\)](#) Department of Consumer Affairs.
 - M. [AB 1369 \(Bauer-Kahan\)](#) Healing arts licensees.
 - N. [AB 1646 \(Nguyen, Stephanie\)](#) Healing arts boards.
 - O. [AB 1751 \(Gipson\)](#) Opioid prescriptions: information: nonpharmacological treatments for pain.
 - P. [Senate Bill \(SB\) 259 \(Seyarto\)](#) Reports submitted to legislative committees.
 - Q. [SB 358 \(Nguyen\)](#) Professional licenses: military service.
 - R. [SB 372 \(Menjivar\)](#) Department of Consumer Affairs: licensee and registrant records: name and gender changes.
 - S. [SB 764 \(Padilla\)](#) Department of Consumer Affairs: regulatory boards: removal of board members.
 - T. [SB 770 \(Wiener\)](#) State boards and commissions.
 - U. [SB 802 \(Roth\)](#) Licensing boards: disqualification from licensure: criminal conviction.
 - V. [SB 820 \(Alvarado-Gil\)](#) Consumer complaints.

5. 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).]

6. 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.]

7. Adjournment

This agenda can be found on the Board's website at 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 are open to the public.

The Board plans to webcast this meeting at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limitations on resources or other technical difficulties that may arise. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please attend the meeting via Webex Events.

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

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.

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 883

Introduced by Assembly Member Mathis

February 14, 2023

An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as amended, Mathis. Business licenses: United States Department of Defense SkillBridge program.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally require a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is *an active duty member of a regular component of the Armed Forces of the United States* enrolled in the United States Department of Defense SkillBridge program, ~~as specified.~~ *specified, and would provide that regulations to*

administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115.4 of the Business and Professions
- 2 Code is amended to read:
- 3 115.4. (a) Notwithstanding any other law, on and after July 1,
- 4 2016, a board within the department shall expedite, and may assist,
- 5 the initial licensure process for an applicant who supplies
- 6 satisfactory evidence to the board that the applicant is *an active*
- 7 *duty member of a regular component of the Armed Forces of the*
- 8 *United States* enrolled in the United States Department of Defense
- 9 SkillBridge program as authorized under Section 1143(e) of Title
- 10 10 of the United States Code or has served as an active duty
- 11 member of the Armed Forces of the United States and was
- 12 honorably discharged.
- 13 (b) A board may adopt regulations necessary to administer this
- 14 ~~section.~~ *section in accordance with the provisions of Chapter 3.5*
- 15 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
- 16 *2 of the Government Code.*

AMENDED IN ASSEMBLY MARCH 27, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 996

Introduced by Assembly Member Low

February 15, 2023

An act to add Section 36 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Low. Department of Consumer Affairs: continuing education: conflict-of-interest policy.

Existing law provides for the licensure and regulation of professions and vocations by entities within the Department of Consumer Affairs. Under existing law, several of these entities may require licensees to satisfy continuing education course requirements, including, among others, licensed physicians and surgeons licensed by the Medical Board of California and certified public accountants and public accountants licensed by the California Board of Accountancy.

This bill would require those entities to develop and maintain a conflict-of-interest policy that, at minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that ~~course~~. *course and requires conflicts to be disclosed at the beginning of each continuing education course.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 36 is added to the Business and
2 Professions Code, to read:

3 36. (a) Any entity listed in Section 101 that is responsible for
4 approving continuing education providers or courses shall develop
5 and maintain a conflict-of-interest policy in accordance with
6 subdivision (b).

7 (b) The conflict-of-interest policy required by this section shall,
8 at a minimum, ~~discourage~~ *do both of the following:*

9 (1) *Discourage* the qualification of any continuing education
10 course if the provider of that course has an economic interest in a
11 commercial product or enterprise directly or indirectly promoted
12 in that course.

13 (2) *Require conflicts to be disclosed at the beginning of each*
14 *continuing education course.*

O

ASSEMBLY BILL

No. 1751

Introduced by Assembly Member Gipson

February 17, 2023

An act to amend Section 11158.1 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1751, as introduced, Gipson. Opioid prescriptions: information: nonpharmacological treatments for pain.

Existing law requires a prescriber, with certain exceptions, before directly dispensing or issuing for a minor the first prescription for a controlled substance containing an opioid in a single course of treatment, to discuss specified information with the minor, the minor's parent or guardian, or another adult authorized to consent to the minor's medical treatment.

This bill would extend that requirement for the prescriber by applying it to any patient, not only a minor, under those circumstances. The bill would also require the prescriber to discuss the availability of nonpharmacological treatments for pain, as defined.

Existing law makes an exception to the requirement for the prescriber in the case of a patient who is being treated for a diagnosis of chronic intractable pain, as specified.

This bill would remove that exception and would instead make an exception in the case of a patient who is currently receiving hospice care.

The bill would require the prescriber, after discussing the information, to offer, as deemed appropriate by the prescriber, a referral for a provider of nonpharmacological treatments for pain, and to obtain consent from

the patient, a minor patient’s parent or guardian, or another authorized adult, as specified.

Existing federal law, the federal Patient Protection and Affordable Care Act (PPACA), requires a health benefit plan issuer that offers coverage in the small group or individual market to ensure that the coverage includes the essential health benefits package, as defined.

This bill would make legislative findings and declarations relating to addiction associated with overreliance on prescription medication for pain management, and providing that nonpharmacological treatments for pain should be considered during the next update to the state’s essential health benefits benchmark plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The opioid crisis has devastated communities within
4 California, which has prompted an urgent discussion about the
5 risks of addiction associated with overreliance on prescription
6 medication for pain management.

7 (b) A growing body of research indicates that certain
8 nonpharmacological therapies are proven to be equally effective
9 to treat certain causes of pain as prescription opioids, without
10 placing patients at risk for addiction or overdose.

11 (c) To this end, awareness of, and access to, nonpharmacological
12 treatments for pain are vitally important to the state’s efforts to
13 combat the opioid crisis, and that coverage of these treatments
14 should be considered during the next update to the state’s essential
15 health benefits benchmark plan pursuant to Section 156.111 of
16 Title 45 of the Code of Federal Regulations.

17 SEC. 2. Section 11158.1 of the Health and Safety Code is
18 amended to read:

19 11158.1. (a) Except when a patient is being treated as set forth
20 in Sections 11159, 11159.2, and 11167.5, and Article 2
21 (commencing with Section 11215) of Chapter 5, pertaining to the
22 treatment of addicts, or ~~for a diagnosis of chronic intractable pain~~
23 ~~as used in Section 124960 of this code and Section 2241.5 of the~~
24 ~~Business and Professions Code~~, *except when a patient is currently*

1 *receiving hospice care*, a prescriber shall discuss all of the
2 following ~~with information with the patient, or, if the patient is a~~
3 *minor*, the minor, the minor's parent or guardian, or another adult
4 authorized to consent to the minor's medical ~~treatment~~ *treatment*,
5 before directly dispensing or issuing ~~for a minor to a patient~~ the
6 first prescription in a single course of treatment for a controlled
7 substance containing an opioid:

8 (1) The risks of addiction and overdose associated with the use
9 of opioids.

10 (2) The increased risk of addiction to an opioid ~~to~~ *for* an
11 individual who is suffering from both mental and substance abuse
12 disorders.

13 (3) The danger of taking an opioid with a benzodiazepine,
14 alcohol, or another central nervous system depressant.

15 (4) *The availability of nonpharmacological treatments for pain.*

16 ~~(4)~~

17 (5) Any other information required by law.

18 (b) *After discussing the information required by subdivision*
19 *(a), the prescriber shall do both of the following:*

20 (1) *Obtain consent from the patient, a minor patient's parent*
21 *or guardian, or another adult authorized to consent to the minor*
22 *patient's medical treatment, which shall be placed in the patient's*
23 *medical record and shall contain all of the following:*

24 (A) *The name and quantity of the controlled substance being*
25 *prescribed or issued to the patient, and the amount of the initial*
26 *dose.*

27 (B) *A statement certifying that the prescriber discussed with the*
28 *patient, a minor patient's parent or guardian, or another adult*
29 *authorized to consent to the minor patient's medical treatment,*
30 *the information required by subdivision (a).*

31 (C) *A space for the signature of the patient, a minor patient's*
32 *parent or guardian, or another adult authorized to consent to the*
33 *minor patient's medical treatment.*

34 (2) *Offer, as deemed appropriate by the prescriber, a referral*
35 *for a provider of nonpharmacological treatments for pain.*

36 ~~(b)~~

37 (c) This section does not apply in any of the following
38 circumstances:

39 (1) If the ~~minor's~~ *patient's* treatment includes emergency
40 services and care as defined in Section 1317.1.

1 (2) If the ~~minor's~~ *patient's* treatment is associated ~~with or~~
2 ~~incident to~~ *with, or incidental to*, an emergency surgery, regardless
3 of whether the surgery is performed on an inpatient or outpatient
4 basis.

5 (3) If, in the prescriber's professional judgment, fulfilling the
6 requirements of subdivision (a) *or (b)* would be detrimental to the
7 ~~minor's~~ *patient's* health or safety, or in violation of the ~~minor's~~
8 *patient's* legal rights regarding confidentiality.

9 (d) *For purposes of this section, "nonpharmacological*
10 *treatments for pain" include, but are not limited to, acupuncture,*
11 *chiropractic care, physical therapy, occupational therapy, and*
12 *licensed mental health provider services.*

13 (e) *This section shall not be construed as requiring health care*
14 *coverage, or changing existing health care coverage requirements,*
15 *for nonpharmacological treatments for pain.*

16 (e)

17 (f) Notwithstanding any other law, including Section 11374,
18 failure to comply with this section shall not constitute a criminal
19 offense.



Agenda Item 15
April 20, 2023

**Review, Discussion, and Possible Action on Legislation Related to the Board,
the Chiropractic Profession, DCA, and/or Other Healing Arts Boards**

Purpose of the Item

Staff will provide the Board with an update on bills related to the Board, the chiropractic profession, the Department of Consumer Affairs (DCA), and other healing arts boards that have been introduced during the 2023-24 legislative session.

Action Requested

Following staff's presentation of these bills, the Board will have an opportunity to discuss and take a position on the bills.

Background

Below is an overview of the bills that will be discussed during the meeting.

Hyperlinks to the legislation, status, and analyses are included in this document to ensure access to current information, as legislation is frequently amended.

A. [Assembly Bill \(AB\) 477 \(Waldron\)](#) Legislative review of state boards.

Status: Referred to the Assembly Committee on Business and Professions

Bill Analysis: N/A

Next Hearing Date: TBA

Summary: This is a spot bill relating to reports prepared by the Joint Sunset Review Committee.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

B. [AB 765 \(Wood\)](#) Physicians and surgeons: medical specialty titles.

Status: In Assembly – read second time and amended on April 12, 2023; referred to the Assembly Committee on Appropriations

Bill Analysis: 04/07/2023 – Assembly Business and Professions

Next Hearing Date: TBA

Summary: This bill, known as the California Patient Protection, Safety, Disclosure, and Transparency Act, would make legislative findings and declarations regarding the use of titles, advertising, and communications by health care providers and would make it a misdemeanor for any person who does not have a valid, unrevoked, and unsuspended physician and surgeon certificate to use any medical specialty title, as specified, or any titles, terms, letters, words, abbreviations, description of services, designations, or insignia, alone or in combination with any other title, indicating or implying that the person is licensed to practice as such.

The bill specifies that a medical specialty title includes the names or titles “anesthesiologist,” “cardiologist,” “dermatologist,” “doctor of osteopathic medicine,” “emergency physician,” “endocrinologist,” “family physician,” “gastroenterologist,” “general practitioner,” “gynecologist,” “hematologist,” “hospitalist,” “internist,” “interventional pain medicine physician,” “laryngologist,” “medical doctor,” “nephrologist,” “neurologist,” “obstetrician,” “oncologist,” “ophthalmologist,” “orthopedic surgeon,” “orthopaedic surgeon,” “orthopedist,” “orthopaedist,” “otologist,” “otolaryngologist,” “otorhinolaryngologist,” “pathologist,” “pediatrician,” “perinatologist,” “plastic surgeon,” “primary care physician,” “proctologist,” “psychiatrist,” “radiologist,” “reproductive endocrinologist,” “rheumatologist,” “rhinologist,” “surgeon,” “urogynecologist,” or “urologist.”

This bill does not prevent a person holding a current and active license under another healing arts chapter from using any term identified on their license, certificate, or registration, or from making any truthful statement that they specialize in a service or field that is within their licensed scope of practice and that does not contain any of the medical specialty titles specified above.

Estimated Fiscal Impact on the Board: This bill does not have a direct fiscal impact on the Board. However, staff is concerned about the potential increase in complaints regarding licensees’ advertising of chiropractic specialties that may conflict with the provisions of this bill.

Staff Recommendation: WATCH

C. [AB 795 \(Flora\)](#) Unlawful sale of equipment, supplies, or services.

Status: Introduced; pending referral to a policy committee

Bill Analysis: N/A

Next Hearing Date: N/A

Summary: This bill would exclude cash sales of less than \$200 from the misdemeanor crime of selling equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services will be used in the performance of a service or contract in violation of the licensing requirements of the Business and Professions Code. Existing law excludes cash sales of less than \$100.

In addition, this bill would provide increase the penalty for this crime from a fine of not less than \$1,000 and imprisonment not exceeding six months to a fine of not less than \$2,000 and imprisonment not exceeding six months.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

D. [AB 796 \(Weber\)](#) Athletic trainers.

Status: Referred to the Assembly Committee on Business and Professions

Bill Analysis: 04/07/2023 – Assembly Arts, Entertainment, Sports, and Tourism

Next Hearing Date: April 25, 2023

Summary: This bill would enact the Athletic Training Practice Act and establish, until January 1, 2028, the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy to exercise licensing, regulatory, and disciplinary functions for athletic trainers.

This bill would prohibit the use of the title “athletic trainer” or “licensed athletic trainer,” the letters “A.T.” or “A.T.C.” as a title, or any other generally accepted terms, letters, or figures that indicate that the person is an athletic trainer, unless the person is licensed as an athletic trainer.

This bill would define the practice of athletic training, specify requirements for licensure, and require a licensed athletic trainer to practice only under the supervision of a physician or surgeon.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

E. [AB 814 \(Lowenthal\)](#) **Veterinary medicine: animal physical rehabilitation.**

Status: Referred to the Assembly Committee on Business and Professions

Bill Analysis: N/A

Next Hearing Date: April 25, 2023

Summary: This bill would authorize a licensed physical therapist to be registered with the Veterinary Medical Board (VMB) as an authorized animal physical therapist and to provide animal physical rehabilitation, as defined, to an animal if specified requirements are met, including that the authorized animal physical therapist performs all delegated animal rehabilitation tasks under the supervision of a veterinarian who has an established veterinarian-client-patient-relationship with the animal. This bill would also authorize an animal physical rehabilitation assistant, as defined, to assist with delegated animal rehabilitation tasks subject to specified conditions, including requiring the tasks to be performed under the direct supervision of authorized animal physical therapist.

This bill would require VMB and the Physical Therapy Board of California (PTBC) to determine qualifications to receive an authorization in animal physical rehabilitation, require VMB to determine the registration process, authorize VMB to discipline an authorized animal physical therapist, and require VMB to report disciplinary actions against a physical therapist to PTBC.

This bill would also establish fees for the issuance and renewal of an authorization in animal physical rehabilitation and registration of an animal physical rehabilitation facility which would be deposited in VMB's fund.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

F. [AB 1028 \(McKinnor\)](#) Reporting of crimes: mandated reporters.

Status: Referred to the Assembly Committee on Appropriations

Bill Analysis: 03/27/2023 – Assembly Public Safety

Next Hearing Date: TBA

Summary: This bill would, on or after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, and instead, require a health practitioner who provides medical services to a patient whom the health practitioner knows or reasonably suspects is experiencing any form of domestic violence or sexual violence to provide brief counseling, education, or other support, and offer a warm handoff or referral to local and national domestic violence or sexual violence advocacy services before the end of the patient visit. In addition, this bill would specify that a health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

G. [AB 1055 \(Bains\)](#) Alcohol drug counselors.

Status: Referred to the Assembly Committee on Business and Professions

Bill Analysis: N/A

Next Hearing Date: TBA

Summary: This bill would establish, upon appropriation by the Legislature, the Allied Behavioral Health Board within DCA for the licensure, regulation, and discipline of alcohol drug counselors. In addition, this bill would prohibit the use of the title “licensed alcohol drug counselor” by any person who is not licensed by the board.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

H. [AB 1707 \(Pacheco\)](#) Health professionals and facilities: adverse actions based on another state's law.

Status: Referred to the Assembly Committee on Judiciary

Bill Analysis: 04/07/2023 – Assembly Business and Professions

Next Hearing Date: April 18, 2023

Summary: This bill would prohibit a DCA healing arts board from denying an application for licensure or suspending, revoking, or otherwise imposing discipline upon a licensee on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state.

"Sensitive services" means all health care services related to mental or behavioral health, sexual and reproductive health, sexually transmitted infections, substance use disorder, gender affirming care, and intimate partner violence, and includes services described in Sections 6924, 6925, 6926, 6927, 6928, 6929, and 6930 of the Family Code, and Sections 121020 and 124260 of the Health and Safety Code, obtained by a patient at or above the minimum age specified for consenting to the service specified in the section.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

I. [Senate Bill \(SB\) 259 \(Seyarto\)](#) Reports submitted to legislative committees.

Status: In Senate – read second time and ordered to consent calendar on April 11, 2023

Bill Analyses: 04/12/2023 – Senate Floor Analyses
03/09/2023 – Senate Governmental Organization

Next Hearing Date: TBA

Summary: This bill would require a state agency to post on its website any report that the agency submits to a committee of the Legislature.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

J. [SB 279 \(Niello\)](#) Administrative regulations: public participation: comment process.

Status: Referred to the Senate Governmental Organization Committee

Bill Analysis: N/A

Next Hearing Date: April 25, 2023

Summary: This bill would require a state agency to provide a minimum 21-day public comment period for purposes of determining whether the proposed adoption, amendment, or repeal of a regulation would meet the definition of a “major regulation” that requires a standardized regulatory impact analysis. The bill would also require the Department of Finance (DOF), upon receipt of the analysis, to provide a 30-day public comment period on the analysis, and require DOF to comment, within 30 days of receiving public input on that analysis, on the extent to which the analysis adheres to the regulations adopted by DOF.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

K. [SB 372 \(Menjivar\)](#) Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Status: Referred to the Senate Judiciary Committee

Bill Analyses: 03/24/2023 – Senate Business, Professions and Economic Development
03/23/2023 – Senate Business, Professions and Economic Development

Next Hearing Date: April 18, 2023

Summary: This bill would require a DCA board to update a licensee’s or registrant’s records, including records contained within an online license verification system, to include the licensee’s or registrant’s updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that their legal name or gender has been changed.

This bill would require a board to remove the licensee’s or registrant’s former name or gender from its online license verification system, treat this information as confidential, and establish a process for providing a licensee’s or registrant’s former name and gender upon receipt of a request that is related to a complaint against the

licensee or registrant. In addition, this bill would require a board, if requested by the licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender and prohibit a board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

Estimated Fiscal Impact on the Board: This bill will require approximately \$2,840 in staff time to develop a regulation package to establish a process for requesting and obtaining a licensee's confidential former name and gender information and to implement that process through regulation. This impact is absorbable within the Board's existing resources and workload.

Staff Recommendation: WATCH

L. [SB 544 \(Laird\)](#) Bagley-Keene Open Meeting Act: teleconferencing.

Status: Referred to the Senate Judiciary Committee

Bill Analysis: 04/07/2023 – Senate Governmental Organization

Next Hearing Date: April 25, 2023

Summary: This bill would remove the requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public.

The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the Bagley-Keene Open Meeting Act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person.

The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.

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This bill would also require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Estimated Fiscal Impact on the Board: This bill will allow the Board to save up to \$10,000 annually through the use of virtual meetings with a physical public location provided within DCA's existing meeting facilities.

Staff Recommendation: SUPPORT

M. [SB 802 \(Roth\)](#) Licensing boards: disqualification from licensure: criminal conviction.

Status: In Senate – read second time and ordered to consent calendar on April 11, 2023

Bill Analyses: 04/12/2023 – Senate Floor Analyses
03/23/2023 – Senate Business, Professions and Economic Development

Next Hearing Date: TBA

Summary: This bill would require a DCA board to notify an applicant in writing within 30 days after a decision is made to deny an application for licensure based solely or in part on the applicant's conviction history, of all of the following: 1) the denial or disqualification of licensure; 2) any existing procedure the board has for the applicant to challenge the decision or request reconsideration; 3) that the applicant has the right to appeal the board's decision; and 4) the processes for the applicant to request a copy of their complete conviction history and question the accuracy or completeness of the record pursuant to Penal Code sections 11122 through 11127.

Existing law requires this written notification to be sent to the applicant but does not specify a timeframe during which it must be transmitted.

Estimated Fiscal Impact on the Board: None.

Staff Recommendation: WATCH

Attachment

- Copy of the Above-Referenced Bills (as of April 13, 2023)

ASSEMBLY BILL

No. 477

Introduced by Assembly Member Waldron

February 7, 2023

An act to amend Section 9148.52 of the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

AB 477, as introduced, Waldron. Legislative review of state boards. Existing law requires the Joint Sunset Review Committee to review eligible agencies and prepare a report that is made available to the public and the Legislature on whether the agency should be terminated, or continued, or whether its functions should be revised or consolidated with those of another agency, as specified.

This bill would require the report prepared by the committee to be made available to the public online.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9148.52 of the Government Code is
- 2 amended to read:
- 3 9148.52. (a) The Joint Sunset Review Committee established
- 4 pursuant to Section 9147.7 shall review all eligible agencies.
- 5 (b) The committee shall evaluate and make determinations
- 6 pursuant to Article 7.5 (commencing with Section 9147.7).
- 7 (c) Pursuant to an evaluation made as specified in this section,
- 8 the committee shall make a report ~~which~~ *that* shall be available to

1 ~~the public~~ and the Legislature *and to the public, including by*
2 *posting the report online*, on whether an agency should be
3 terminated, or continued, or whether its functions should be revised
4 or consolidated with those of another agency, and include any
5 other recommendations as necessary to improve the effectiveness
6 and efficiency of the agency. If the committee deems it advisable,
7 the report may include proposed legislative proposals that would
8 carry out its recommendations.

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AMENDED IN ASSEMBLY APRIL 12, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 765

Introduced by Assembly Member Wood

February 13, 2023

An act to amend Section 2054 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 765, as amended, Wood. Physicians and ~~surgeons~~: *surgeons: medical specialty titles.*

Existing law, the Medical Practice Act, ~~provides~~ *establishes the Medical Board of California* for the licensure and regulation of physicians and ~~surgeons by the Medical Board of California~~: *surgeons*. Existing law makes it a misdemeanor for a person who is not licensed as a physician and surgeon under the act, except as specified, to use certain words, letters, and phrases or any other terms that imply that the person is authorized to practice medicine as a physician and surgeon.

This bill would enact the California Patient Protection, Safety, Disclosure, and Transparency Act. The bill would make it a misdemeanor for a person who does not have a valid, unrevoked, and unsuspended certificate as a physician and surgeon to use any medical specialty title, as specified, or any titles, terms, letters, words, abbreviations, description of services, designations, or insignia indicating or implying that the person is licensed to practice under the act. The bill would make related legislative findings and declarations. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 California Patient Protection, Safety, Disclosure, and Transparency
- 3 Act.
- 4 SEC. 2. The Legislature finds and declares all of the following:
- 5 (a) Consumer protection is the highest priority of all boards,
- 6 bureaus, and commissions within the Department of Consumer
- 7 Affairs.
- 8 (b) Health care consumers can be confused and misled about
- 9 the differences between the qualifications and education of various
- 10 types of health care providers.
- 11 (c) Misuse of health care provider titles can cause patients to
- 12 mistakenly believe they are meeting with physicians and surgeons,
- 13 such as medical doctors or doctors of osteopathic medicine, when
- 14 they are not.
- 15 (d) According to the American Medical Association’s Truth in
- 16 Advertising surveys, patients want their health care professional
- 17 to clearly designate their education and training.
- 18 (e) According to the American Medical Association’s Truth in
- 19 Advertising surveys, 88 percent of patient respondents agree that
- 20 only licensed medical doctors or doctors of osteopathic medicine
- 21 should be able to use the title of physician.
- 22 (f) According to the American Medical Association’s Truth in
- 23 Advertising surveys, 79 percent of patient respondents would
- 24 support legislation in their state to require all health care advertising
- 25 materials to clearly designate the level of education, skills, and
- 26 training of all health care professionals promoting their services.
- 27 (g) Patients deserve to have increased clarity and transparency
- 28 in the education and training of their health care providers.
- 29 (h) Confusing or misleading health care advertising and
- 30 communications have the potential to put patient safety at risk.

1 (i) Requiring health care providers to communicate and display
2 their proper title, credentials, and capabilities allows patients to
3 make informed choices about their health care.

4 (j) Uninformed health care choices can lead to unintended and
5 potentially dangerous consequences.

6 SEC. 3. Section 2054 of the Business and Professions Code is
7 amended to read:

8 2054. (a) Any person who uses in any sign, business card, or
9 letterhead, or, in an advertisement, the words “doctor” or
10 “physician,” the letters or prefix “Dr.,” the initials “M.D.” or
11 “D.O.,” or any other terms or letters indicating or implying that
12 the person is a physician and surgeon, physician, surgeon, or
13 practitioner under the terms of this or any other law, or that the
14 person is entitled to practice hereunder, or who represents or holds
15 themselves out as a physician and surgeon, physician, surgeon, or
16 practitioner under the terms of this or any other law, without having
17 at the time of so doing a valid, unrevoked, and unsuspended
18 certificate as a physician and surgeon under this chapter, is guilty
19 of a misdemeanor.

20 (b) Notwithstanding subdivision (a), any of the following
21 persons may use the words “doctor” or “physician,” the letters or
22 prefix “Dr.,” or the initials “M.D.” or “D.O.”:

23 (1) A graduate of a medical or an osteopathic medical school
24 approved or recognized by the medical or osteopathic medical
25 board while enrolled in a postgraduate training program approved
26 by the board.

27 (2) A graduate of a medical or an osteopathic medical school
28 who does not have a certificate as a physician and surgeon under
29 this chapter if the individual meets all of the following
30 requirements:

31 (A) If issued a license to practice medicine in any jurisdiction,
32 has not had that license revoked or suspended by that jurisdiction.

33 (B) Does not otherwise hold themselves out as a physician and
34 surgeon entitled to practice medicine in this state except to the
35 extent authorized by this chapter.

36 (C) Does not engage in any of the acts prohibited by Section
37 2060.

38 (3) A person authorized to practice medicine under Section 2111
39 or 2113 subject to the limitations set forth in those sections.

1 (4) *A person holding a current and active license under another*
 2 *chapter of this division, to the extent the use of the title is consistent*
 3 *with the act governing the practice of that license.*

4 (5) *A person whose use of the word “doctor” or the prefix “Dr.”*
 5 *is not associated with any claim of entitlement to practice medicine*
 6 *or any other professional service for which the use of the title*
 7 *would be untrue or misleading pursuant to Section 17500.*

8 (c) (1) A person shall not use any medical specialty title,
 9 including the names or titles “anesthesiologist,” “cardiologist,”
 10 “dermatologist,” “doctor of osteopathy,” *osteopathic medicine,*
 11 “emergency physician,” “endocrinologist,” “family physician,”
 12 “gastroenterologist,” “general practitioner,” “gynecologist,”
 13 “hematologist,” “hospitalist,” “internist,” “interventional pain
 14 medicine physician,” “laryngologist,” “medical doctor,”
 15 “nephrologist,” “neurologist,” “obstetrician,” “oncologist,”
 16 “ophthalmologist,” “orthopedic surgeon,” “orthopaedic surgeon,”
 17 “orthopedist,” “orthopaedist,” —“osteopath,” “otologist,”
 18 “otolaryngologist,” “otorhinolaryngologist,” “pathologist,”
 19 “pediatrician,” “perinatologist,” “*plastic surgeon,*” “primary care
 20 physician,” “proctologist,” “psychiatrist,” “radiologist,”
 21 “*reproductive endocrinologist,*” “rheumatologist,” “rhinologist,”
 22 “surgeon,” “*urogynecologist,*” or “urologist,” or any other titles,
 23 terms, letters, words, abbreviations, description of services,
 24 designations, or insignia, alone or in combination with any other
 25 title, indicating or implying that the person is licensed under this
 26 chapter to practice as such, unless the person has at the time of so
 27 doing a valid, unrevoked, and unsuspended certificate as a
 28 physician and surgeon under this chapter. A person who violates
 29 this subdivision is guilty of a misdemeanor.

30 (2) *This subdivision does not prevent a person holding a current*
 31 *and active license under another chapter of this division from*
 32 *using any term identified on their license, certificate, or*
 33 *registration, or from making any truthful statement that they*
 34 *specialize in a service or field that is within their licensed scope*
 35 *of practice and that does not contain any of the medical specialty*
 36 *titles specified in paragraph (1).*

37 SEC. 4. No reimbursement is required by this act pursuant to
 38 Section 6 of Article XIII B of the California Constitution because
 39 the only costs that may be incurred by a local agency or school
 40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

O

ASSEMBLY BILL

No. 795

Introduced by Assembly Member Flora

February 13, 2023

An act to amend Section 128 of the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

AB 795, as introduced, Flora. Unlawful sale of equipment, supplies, or services.

Existing law makes it a misdemeanor to sell equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services are to be used in the performance of a service or contract in violation of the licensing requirements provided by law. Existing law excludes cash sales of less than \$100 from these provisions. Existing law provides that a violation of these provisions is punishable by a fine of not less than \$1,000 and by imprisonment in the county jail not exceeding 6 months.

This bill would instead exclude cash sales of less than \$200 from these provisions. The bill would also provide that a violation of these provisions is punishable by a fine of not less than \$2,000 and by imprisonment in the county jail not exceeding 6 months. This bill would also make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 128 of the Business and Professions Code
2 is amended to read:

3 128. Notwithstanding any other ~~provision~~ of law, it is a
4 misdemeanor to sell equipment, supplies, or services to any person
5 with knowledge that the equipment, supplies, or services are to be
6 used in the performance of a service or contract in violation of the
7 licensing requirements of this code.

8 The provisions of this section ~~shall~~ *is* not be applicable to cash
9 sales of less than ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)*.

10 For the purposes of this section, “person” includes, but is not
11 limited to, a company, partnership, limited liability company, firm,
12 or corporation.

13 For the purposes of this section, “license” includes certificate
14 or registration.

15 A violation of this section ~~shall be~~ *is* punishable by a fine of not
16 less than ~~one~~ *two* thousand dollars ~~(\$1,000)~~ *(\$2,000)* and by
17 imprisonment in the county jail not exceeding six months.

O

AMENDED IN ASSEMBLY MARCH 30, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 796

Introduced by Assembly Member Weber

February 13, 2023

An act to ~~amend Sections 101 and 144 of, and to add and repeal Chapter 5.8 (commencing with Section 2697) of Division 2 of, of the Business and Professions Code, relating to athletic trainers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 796, as amended, Weber. Athletic trainers.

Existing law provides for the licensure and regulation of various professions and vocations by regulatory boards and entities within the Department of Consumer Affairs, including athlete agents. *Existing law establishes the California Board of Occupational Therapy within the Department of Consumer Affairs and provides for the licensure and regulation of the practice of occupational therapy.*

This bill would enact the Athletic Training Practice Act, which would establish, until January 1, 2028, ~~the California Board of Athletic Training within the Department of Consumer Affairs~~ *the Athletic Trainer Licensing Committee within the California Board of Occupational Therapy* to exercise licensing, regulatory, and disciplinary functions under the act. The bill would prohibit a person from practicing as an athletic trainer or using certain titles or terms without being licensed by the board.

The bill would define the practice of athletic training, specify requirements for licensure as an athletic trainer, and would require a licensed athletic trainer to practice only under the supervision of a physician ~~and~~ *or* surgeon.

The bill would provide that an athletic trainer license would be valid for 2 years and subject to renewal, and would authorize the board to deny, suspend, or revoke a license and to discipline a licensee for specified reasons. The bill would specify acts that constitute unprofessional conduct and would make it a misdemeanor for any person to violate the act. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would establish the Athletic Trainers Fund for the deposit of application and renewal fees and would make those fees available to the board upon appropriation by the Legislature for the purpose of implementing the act’s provisions. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers Association or any other private individual or entity for the initial costs of implementing the act, and would specify that, if private funds are unavailable, a general fund or special fund loan may be used and repaid with fee revenue. The bill would require the director to determine that sufficient funds for that purpose have been obtained and to provide notice to the Legislature, the Governor, and on the department’s internet website of the determination.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 101 of the Business and Professions Code~~
- 2 ~~is amended to read:~~
- 3 ~~101. The department is comprised of the following:~~
- 4 ~~(a) The Dental Board of California.~~
- 5 ~~(b) The Medical Board of California.~~
- 6 ~~(c) The California State Board of Optometry.~~
- 7 ~~(d) The California State Board of Pharmacy.~~
- 8 ~~(e) The Veterinary Medical Board.~~
- 9 ~~(f) The California Board of Accountancy.~~
- 10 ~~(g) The California Architects Board.~~
- 11 ~~(h) The State Board of Barbering and Cosmetology.~~

- 1 ~~(i) The Board for Professional Engineers, Land Surveyors, and~~
- 2 ~~Geologists.~~
- 3 ~~(j) The Contractors State License Board.~~
- 4 ~~(k) The Bureau for Private Postsecondary Education.~~
- 5 ~~(l) The Bureau of Household Goods and Services.~~
- 6 ~~(m) The Board of Registered Nursing.~~
- 7 ~~(n) The Board of Behavioral Sciences.~~
- 8 ~~(o) The State Athletic Commission.~~
- 9 ~~(p) The Cemetery and Funeral Bureau.~~
- 10 ~~(q) The Bureau of Security and Investigative Services.~~
- 11 ~~(r) The Court Reporters Board of California.~~
- 12 ~~(s) The Board of Vocational Nursing and Psychiatric~~
- 13 ~~Technicians.~~
- 14 ~~(t) The Landscape Architects Technical Committee.~~
- 15 ~~(u) The Division of Investigation.~~
- 16 ~~(v) The Bureau of Automotive Repair.~~
- 17 ~~(w) The Respiratory Care Board of California.~~
- 18 ~~(x) The Acupuncture Board.~~
- 19 ~~(y) The Board of Psychology.~~
- 20 ~~(z) The Podiatric Medical Board of California.~~
- 21 ~~(aa) The Physical Therapy Board of California.~~
- 22 ~~(ab) The Arbitration Review Program.~~
- 23 ~~(ac) The Physician Assistant Board.~~
- 24 ~~(ad) The Speech-Language Pathology and Audiology and~~
- 25 ~~Hearing Aid Dispensers Board.~~
- 26 ~~(ae) The California Board of Occupational Therapy.~~
- 27 ~~(af) The Osteopathic Medical Board of California.~~
- 28 ~~(ag) The California Board of Naturopathic Medicine.~~
- 29 ~~(ah) The Dental Hygiene Board of California.~~
- 30 ~~(ai) The Professional Fiduciaries Bureau.~~
- 31 ~~(aj) The State Board of Chiropractic Examiners.~~
- 32 ~~(ak) The Bureau of Real Estate Appraisers.~~
- 33 ~~(al) The Structural Pest Control Board.~~
- 34 ~~(am) The California Board of Athletic Training. This subdivision~~
- 35 ~~shall become inoperative on January 1, 2028.~~
- 36 ~~(an) Any other boards, offices, or officers subject to its~~
- 37 ~~jurisdiction by law.~~
- 38 ~~SEC. 2. Section 144 of the Business and Professions Code is~~
- 39 ~~amended to read:~~

- 1 ~~144. (a) Notwithstanding any other law, an agency designated~~
2 ~~in subdivision (b) shall require an applicant to furnish to the agency~~
3 ~~a full set of fingerprints for purposes of conducting criminal history~~
4 ~~record checks. Any agency designated in subdivision (b) may~~
5 ~~obtain and receive, at its discretion, criminal history information~~
6 ~~from the Department of Justice and the United States Federal~~
7 ~~Bureau of Investigation.~~
8 ~~(b) Subdivision (a) applies to the following:~~
9 ~~(1) California Board of Accountancy.~~
10 ~~(2) State Athletic Commission.~~
11 ~~(3) Board of Behavioral Sciences.~~
12 ~~(4) Court Reporters Board of California.~~
13 ~~(5) Dental Board of California.~~
14 ~~(6) California State Board of Pharmacy.~~
15 ~~(7) Board of Registered Nursing.~~
16 ~~(8) Veterinary Medical Board.~~
17 ~~(9) Board of Vocational Nursing and Psychiatric Technicians~~
18 ~~of the State of California.~~
19 ~~(10) Respiratory Care Board of California.~~
20 ~~(11) Physical Therapy Board of California.~~
21 ~~(12) Physician Assistant Board.~~
22 ~~(13) Speech-Language Pathology and Audiology and Hearing~~
23 ~~Aid Dispensers Board.~~
24 ~~(14) Medical Board of California.~~
25 ~~(15) California State Board of Optometry.~~
26 ~~(16) Acupuncture Board.~~
27 ~~(17) Cemetery and Funeral Bureau.~~
28 ~~(18) Bureau of Security and Investigative Services.~~
29 ~~(19) Division of Investigation.~~
30 ~~(20) Board of Psychology.~~
31 ~~(21) California Board of Occupational Therapy.~~
32 ~~(22) Structural Pest Control Board.~~
33 ~~(23) Contractors State License Board.~~
34 ~~(24) Naturopathic Medicine Committee.~~
35 ~~(25) Professional Fiduciaries Bureau.~~
36 ~~(26) Board for Professional Engineers, Land Surveyors, and~~
37 ~~Geologists.~~
38 ~~(27) Podiatric Medical Board of California.~~
39 ~~(28) Osteopathic Medical Board of California.~~
40 ~~(29) California Architects Board, beginning January 1, 2021.~~

1 ~~(30) Landscape Architects Technical Committee, beginning~~
2 ~~January 1, 2022.~~

3 ~~(31) Bureau of Household Goods and Services with respect to~~
4 ~~household movers as described in Chapter 3.1 (commencing with~~
5 ~~Section 19225) of Division 8.~~

6 ~~(32) California Board of Athletic Training. This subdivision~~
7 ~~shall become inoperative on January 1, 2028.~~

8 (e) For purposes of paragraph (26) of subdivision (b), the term
9 “applicant” shall be limited to an initial applicant who has never
10 been registered or licensed by the board or to an applicant for a
11 new licensure or registration category.

12 ~~SEC. 3.~~

13 *SECTION 1.* Chapter 5.8 (commencing with Section 2697) is
14 added to Division 2 of the Business and Professions Code, to read:

15
16 CHAPTER 5.8. ATHLETIC TRAINERS

17
18 Article 1. Administration

19
20 2697. This chapter shall be known, and may be cited, as the
21 Athletic Training Practice Act.

22 2697.1. For the purposes of this chapter, the following
23 definitions apply:

24 (a) “Athletic trainer” means a person who meets the
25 requirements of this chapter, is licensed by the board, and upon
26 the advice and collaboration of a licensed supervising physician
27 and surgeon, carries out the practice of prevention, recognition,
28 evaluation, management, disposition, treatment, or rehabilitation
29 of injuries in the manner, means, and methods deemed necessary,
30 and that are congruent with the athletic trainer's education, training,
31 and competence. ~~An athletic trainer is a healing arts licensee.~~
32 *committee, and practices under the direction of a licensed*
33 *physician or surgeon.*

34 (1) The term “athletic trainer” shall not include any teacher,
35 coach, or other individual for an institution or organization, either
36 public or private, within this state, who does not hold themselves
37 out to the public as athletic trainers.

38 (2) Nothing in this chapter shall be construed to prevent any
39 person from serving as an athletic training student, assistant athletic
40 trainer, teacher athletic trainer, or any similar volunteer position

1 if such service is not primarily for compensation and is carried out
2 under the supervision of a physician or a licensed athletic trainer.

3 (3) The term “athletic trainer” shall not include any person who
4 serves as a first responder or other layman position providing basic
5 first aid within this state but who does not perform the duties of
6 an athletic trainer or hold themselves out as an athletic trainer. For
7 purposes of this chapter basic first aid includes the initial steps
8 taken to stabilize an injury or illness situation until more advanced
9 or professionally trained personnel can assume treatment measures.
10 This care generally consists of simple, life-saving or
11 injury-stabilizing techniques that a nonphysician or ~~lay person~~
12 *layperson* can be easily trained to perform with minimal equipment,
13 and is generally recognized as such by national organizations such
14 as the American Red Cross, National Safety Council, American
15 Heart Association, or other similar organization.

16 (b) *“Athletic training” means the performance of those services*
17 *that require the education, training, and experience required by*
18 *this chapter for licensure as an athletic trainer pursuant to this*
19 *chapter. “Athletic training” includes services appropriate for the*
20 *prevention, recognition, assessment, management, treatment,*
21 *rehabilitation, and reconditioning of injuries and illnesses*
22 *sustained by an athlete:*

23 (1) *Who is engaged in sports, games, recreation, or exercise*
24 *requiring physical strength, flexibility, range of motion, speed,*
25 *stamina, or agility; or*

26 (2) *That affect an athlete’s participation or performance in*
27 *sports, games, recreation, or exercise as described in paragraph*
28 *(1).*

29 (c) *“Athletic training” includes:*

30 (1) *Planning, administering, evaluating, and modifying methods*
31 *for prevention and risk management of injuries and illnesses;*

32 (2) *Identifying an athlete’s medical conditions and disabilities*
33 *and appropriately caring for or referring an athlete as appropriate;*

34 (3) *Recognizing, assessing, treating, managing, preventing,*
35 *rehabilitating, reconditioning, and appropriately referring to*
36 *another health care provider to treat injuries and illnesses;*

37 (4) *Using therapeutic modalities for which the athletic trainer*
38 *has received appropriate training and education;*

39 (5) *Using conditioning and rehabilitative exercise;*

- 1 (6) *Using topical pharmacological agents, in conjunction with*
- 2 *the administration of therapeutic modalities and pursuant to*
- 3 *prescriptions issued in accordance with the laws of this state, for*
- 4 *which the athletic trainer has received appropriate training and*
- 5 *education;*
- 6 (7) *Educating and counseling athletes concerning the prevention*
- 7 *and care of injuries and illnesses;*
- 8 (8) *Educating and counseling the general public with respect*
- 9 *to athletic training services;*
- 10 (9) *Referring an athlete receiving athletic training services to*
- 11 *appropriate health care personnel as needed; and*
- 12 (10) *Planning, organizing, administering, and evaluating the*
- 13 *practice of athletic training.*
- 14 ~~(b)~~
- 15 (d) “Board” means the California Board of ~~Athletic Training.~~
- 16 *Occupational Therapy.*
- 17 (e) “Committee” means the Athletic Trainer Licensing
- 18 *Committee.*
- 19 ~~(e)~~
- 20 (f) “Director” means the Director of Consumer Affairs.
- 21 ~~(d)~~
- 22 (g) “Supervising physician” or “supervising physician and
- 23 *surgeon” means a physician and or surgeon licensed by the Medical*
- 24 *Board of California or by the Osteopathic Medical Board of*
- 25 *California who supervises one or more athletic trainers, who*
- 26 *possesses a current valid license to practice medicine, and who is*
- 27 *not currently on disciplinary probation prohibiting the employment*
- 28 *or supervision of a physician assistant.*
- 29 ~~(e)~~
- 30 (h) (1) “Supervision” means that a licensed physician and
- 31 *surgeon oversees the activities of, and accepts responsibility for,*
- 32 *the medical services rendered by an athletic trainer. Supervision,*
- 33 *as defined in this subdivision, shall not be construed to require the*
- 34 *physical presence of the physician and or surgeon, but does require*
- 35 *the following:*
- 36 (A) Adherence to adequate supervision as agreed to in the
- 37 *practice agreement.*
- 38 (B) The physician ~~and~~ *or surgeon being available by telephone*
- 39 *or other electronic communication method.*

1 (2) Nothing in this subdivision shall be construed as prohibiting
2 the board from requiring the physical presence of a physician ~~and~~
3 or surgeon as a term or condition of an Athletic Trainer's
4 reinstatement, probation, or imposing discipline.

5 (f)

6 (i) "Regulations" means the rules and regulations as set forth
7 in Division 13.8 (commencing with Section 1399.500) of Title 16
8 of the California Code of Regulations.

9 2697.2. *Only a person licensed as an athletic trainer may use*
10 *the title "athletic trainer" or "licensed athletic trainer," the letters*
11 *"A.T." or "A.T.C." as a title, or any other generally accepted*
12 *terms, letters, or figures that indicate that the person is an athletic*
13 *trainer.*

14 2697.3. (a) *Nothing in this chapter authorizes an athletic*
15 *trainer to practice:*

16 (1) *Medicine, as defined under Chapter 5 (commencing with*
17 *Section 2000);*

18 (2) *Physical therapy, as defined under Chapter 5.7 (commencing*
19 *with Section 2600);*

20 (3) *Chiropractic, as defined under Chapter 2 (commencing with*
21 *Section 1000);*

22 (4) *Occupational therapy, as defined under Chapter 5.6*
23 *(commencing with Section 2570); or*

24 (5) *Any other regulated form of healing except as authorized*
25 *by this chapter.*

26 (b) *Nothing in this chapter authorizes an athletic trainer to treat*
27 *a disease or condition that is not related to a person's participation*
28 *in sports, games, recreation, or exercise, but the athletic trainer*
29 *shall take a person's disease or condition into account in providing*
30 *athletic training services and shall consult with a physician as*
31 *appropriate regarding the disease or condition.*

32 (c) *Nothing in this chapter prohibits a person from*
33 *recommending weight management or exercise to improve strength,*
34 *conditioning, flexibility, and cardiovascular performance to a*
35 *person in normal health as long as the person recommending the*
36 *weight management or exercise does not represent themselves as*
37 *an athletic trainer and the person does not engage in athletic*
38 *training as defined in this chapter.*

1 ~~2697.2.~~

2 2697.4. (a) There is established the ~~California Board of~~
3 ~~Athletic Training within the Department of Consumer Affairs.~~
4 *Athletic Trainer Licensing Committee within the California Board*
5 *of Occupational Therapy.*

6 (b) The ~~board~~ *committee* shall consist of seven members, as
7 follows:

8 (1) Three licensed athletic trainers, except that initially, the
9 ~~board committee~~ shall include three athletic trainers certified by
10 the Board of Certification, Inc. or another nationally accredited
11 athletic trainer certification agency, or its predecessors or
12 successors, who shall satisfy the remainder of the licensure
13 requirements described in Section ~~2697.4~~ 2697.6 as soon as it is
14 practically possible.

15 (2) Three public members.

16 (3) One physician ~~and or~~ surgeon licensed by the Medical Board
17 of California or one osteopathic physician ~~and or~~ surgeon licensed
18 by the Osteopathic Medical Board of California.

19 (c) Subject to confirmation by the Senate, the Governor shall
20 appoint the licensed athletic trainers, one of the public members,
21 and the physician ~~and or~~ surgeon or osteopathic physician ~~and or~~
22 surgeon. The Senate Committee on Rules and the Speaker of the
23 Assembly shall each appoint a public member.

24 (1) The athletic trainers shall be appointed from the following:

25 (A) Two members shall be actively practicing athletic training
26 and engaged primarily in direct patient care as an athletic trainer
27 with at least five continuous years of experience.

28 (B) One member shall be active primarily as an educator or
29 administrator in a program to educate athletic trainers.

30 (2) The physician ~~and or~~ surgeon or osteopathic physician ~~and~~
31 *or* surgeon shall be appointed from persons who have supervised
32 or are currently supervising athletic trainers.

33 ~~(3) Each public member shall satisfy all of the following:~~

34 ~~(A) Chapter 6 (commencing with Section 450) of Division 1.~~

35 ~~(B) Shall not be or have ever been an athletic trainer or in~~
36 ~~training to become an athletic trainer.~~

37 ~~(C) Shall not be a current or former licensee of any board under~~
38 ~~this division or of any board referred to in Section 1000 or 3600.~~

1 ~~(D) Shall not be an officer or faculty member of any college,~~
2 ~~school, or institution involved in another profession defined as a~~
3 ~~healing art education.~~

4 ~~(E) Shall have no pecuniary interests in the provision of health~~
5 ~~care services.~~

6 ~~(d) (1) All appointments shall be for a term of four years and~~
7 ~~shall expire on June 30 of the year in which the term expires.~~
8 ~~Appointees may be reappointed once. Vacancies shall be filled for~~
9 ~~any unexpired term.~~

10 ~~(2) Notwithstanding paragraph (1), for initial appointments to~~
11 ~~the board, one public member appointed by the Governor, the~~
12 ~~physician and surgeon or osteopathic physician and surgeon, and~~
13 ~~one of the licensed athletic trainers shall serve terms of two years,~~
14 ~~and the remaining members shall serve terms of four years.~~

15 ~~(e) Each of the board members shall receive per diem and~~
16 ~~expenses, except as otherwise specified.~~

17 ~~(f) The appointing power shall have the power to remove any~~
18 ~~member of the board from office for neglect of any duty required~~
19 ~~by law or for incompetency or unprofessional or dishonorable~~
20 ~~conduct.~~

21 ~~(g) No person may serve as a member of the board for more~~
22 ~~than two consecutive terms. Vacancies shall be filled by~~
23 ~~appointment for the unexpired term.~~

24 ~~(h) Annually, the board shall elect one of its members as~~
25 ~~president and one of its members as vice president.~~

26 ~~(i) Subject to Sections 107 and 154, the board may employ an~~
27 ~~executive officer and other officers and employees.~~

28 ~~2697.3.~~

29 ~~2697.5. (a) (1) The board committee shall adopt, repeal, and~~
30 ~~amend regulations as may be necessary to administer and enforce~~
31 ~~this chapter.~~

32 ~~(2) Before adopting regulations, the board committee may~~
33 ~~consult the professional standards issued by the National Athletic~~
34 ~~Trainers' Association, the Board of Certification, Inc., the~~
35 ~~Commission on Accreditation of Athletic Training Education, or~~
36 ~~any other nationally recognized professional athletic training~~
37 ~~organization.~~

38 ~~(b) The board committee shall confirm, to the extent practicable,~~
39 ~~the information provided in an application before issuing a license~~
40 ~~to an applicant pursuant to this chapter.~~

1 (c) The ~~board~~ *committee* shall give protection of the public the
2 highest priority in exercising its licensing, regulatory, and
3 disciplinary functions. Whenever the protection of the public is
4 inconsistent with other interests sought to be promoted, the
5 protection of the public shall be paramount.

6
7 Article 2. Licensure

8
9 ~~2697.4.~~

10 2697.6. Except as otherwise provided in this chapter, the board
11 shall issue an athletic training license to an applicant who meets
12 all of the following requirements:

13 (a) At the time of application, the applicant is over 18 years of
14 age, is not addicted to alcohol or any controlled substance, and
15 has not committed acts or crimes constituting grounds for denial
16 of a license under Section 480.

17 (b) The applicant has submitted an application developed by
18 the board.

19 (c) The applicant passed an athletic training certification
20 examination offered by the Board of Certification, Inc., or its
21 predecessors or successors.

22 (d) The applicant has passed a criminal background check.

23 (e) The applicant has paid the application fee established by the
24 board.

25 ~~2697.5.~~

26 2697.7. A license issued by the board pursuant to Section
27 ~~2697.4~~ 2697.6 is valid for two years and thereafter is subject to
28 the renewal requirements described in Section ~~2697.7.~~ 2697.8.

29 ~~2697.7.~~

30 2697.8. The board shall renew a license if an applicant meets
31 both of the following requirements:

32 (a) Pays the renewal fee as established by the board as described
33 in this chapter.

34 (b) Submits proof of both of the following:

35 (1) Satisfactory completion of necessary continuing education,
36 consistent with the requirements of the Board of Certification, Inc.,
37 or its predecessors or successors.

38 (2) Has a current athletic training certification from a
39 certification body approved by the board, including, but not limited

1 to, the Board of Certification, Inc., or its predecessors or
2 successors.

3 ~~2697.8.~~

4 2697.9. (a) The board may deny a license or discipline a
5 licensee who is described by any of the following:

6 (1) Does not meet the requirements of this chapter.

7 (2) Has had an athletic training license, certification, or
8 registration revoked or suspended by an accredited organization
9 or another state or country.

10 (3) Has been convicted of a crime that is substantially related
11 to the functions or duties of an athletic trainer.

12 (4) Has committed unprofessional conduct, as described in
13 Section ~~2697.10.~~ 2697.11.

14 (b) The board may order any of the following actions regarding
15 an athletic training license after notice and a hearing to determine
16 unprofessional conduct:

17 (1) Placing the license on probation with terms and conditions.

18 (2) Suspending the license and the ability to practice athletic
19 training for a period not to exceed one year.

20 (3) Revoking the license.

21 (4) Suspending or staying the disciplinary order, or portions of
22 it, with or without conditions.

23 (5) Issuing an initial license on probation, with specific terms
24 and conditions, to an applicant who has violated this chapter or
25 the regulations adopted pursuant to it, but who has met all other
26 requirements for licensure.

27 (6) Taking any other action as the board, in its discretion, deems
28 proper to protect the public health and safety pursuant to
29 subdivision (c) of Section ~~2697.3.~~ 2697.5.

30 (c) If a license is suspended, the holder may not practice as an
31 athletic trainer during the term of suspension. Upon the expiration
32 of the term of suspension, the license shall be reinstated and the
33 holder entitled to resume practice under any remaining terms of
34 the discipline, unless it is established to the satisfaction of the
35 board that the holder of the license practiced in this state during
36 the term of suspension. In this event, the board, after notice and a
37 hearing on this issue alone, may revoke the license.

38 (d) The board shall retain jurisdiction to proceed with any
39 investigation, action, or disciplinary proceeding against a license,
40 or to render a decision suspending or revoking a license, regardless

1 of the expiration, lapse, or suspension of the license by operation
2 of law, by order or decision of the board or a court of law, or by
3 the voluntary surrender of a license by the licensee.

4 ~~2697.9.~~

5 2697.10. (a) A holder of a license that has been revoked,
6 suspended, or placed on probation, may petition the board for
7 reinstatement or modification of a penalty, including reduction or
8 termination of probation, after a period not less than the applicable
9 following minimum period has elapsed from either the effective
10 date of the decision ordering that disciplinary action, or, if the
11 order of the board or any portion of it was stayed, from the date
12 the disciplinary action was actually implemented in its entirety.
13 The minimum periods that shall elapse prior to a petition are as
14 follows:

15 (1) For a license that was revoked for any reason other than
16 mental or physical illness substantially related to the functions or
17 duties of an athletic trainer, at least three years.

18 (2) For early termination of probation scheduled for three or
19 more years, at least two years.

20 (3) For modification of a penalty, reinstatement of a license
21 revoked for mental or physical illness substantially related to the
22 functions or duties of an athletic trainer, or termination of probation
23 scheduled for less than three years, at least one year.

24 (b) The board may, in its discretion, specify in its disciplinary
25 order a lesser period of time, provided that the period shall not be
26 less than one year.

27 (c) The petition submitted shall contain any information required
28 by the board, which may include a current set of fingerprints
29 accompanied by the fingerprinting fee.

30 (d) The board shall give notice to the Attorney General of the
31 filing of the petition. The petitioner and the Attorney General shall
32 be given timely notice by letter of the time and place of the hearing
33 on the petition, and an opportunity to present both oral and
34 documentary evidence and argument to the board. The petitioner
35 shall at all times have the burden of proof to establish by clear and
36 convincing evidence that they are entitled to the relief sought in
37 the petition.

38 (e) The board, or the administrative law judge if one is
39 designated by the board, shall hear the petition and shall prepare
40 a written decision setting forth the reasons supporting the decision.

1 (f) The board may grant or deny the petition or may impose any
2 terms and conditions that it reasonably deems appropriate as a
3 condition of reinstatement or reduction of penalty.

4 (g) The board shall refuse to consider a petition while the
5 petitioner is under sentence for any criminal offense, including
6 any period during which the petitioner is on court-imposed
7 probation or parole or subject to an order of registration pursuant
8 to Section 290 of the Penal Code.

9 (h) No petition shall be considered while there is an accusation
10 or petition to revoke probation pending against the petitioner.

11 ~~2697.10.~~

12 2697.11. For purposes of this chapter, unprofessional conduct
13 includes, but is not limited to, the following:

14 (a) Incompetence, negligence, or gross negligence in carrying
15 out usual athletic trainer functions.

16 (b) Repeated similar negligent acts in carrying out usual athletic
17 trainer functions.

18 (c) A conviction for practicing medicine without a license in
19 violation of Chapter 5 (commencing with Section 2000), in which
20 event a certified copy of the record of conviction shall be
21 conclusive evidence thereof.

22 (d) The use of advertising relating to athletic training ~~which~~
23 *that* violates Section 17500.

24 (e) Denial of licensure, revocation, suspension, restriction, or
25 any other disciplinary action against a licensee by another healing
26 arts board under the department, another state or territory of the
27 United States, or by any other government agency. A certified
28 copy of the decision, order, or judgment shall be conclusive
29 evidence thereof.

30 (f) Procuring a license by fraud, misrepresentation, or mistake.

31 (g) Violating or attempting to violate, directly or indirectly, or
32 assisting in or abetting the violation of, or conspiring to violate,
33 any provision or term of this chapter or any regulation adopted
34 pursuant to this chapter.

35 (h) Making or giving any false statement or information in
36 connection with the application for issuance or renewal of a license.

37 (i) Conviction of a crime or of any offense substantially related
38 to the qualifications, functions, or duties of a licensee, in which
39 event the record of the conviction shall be conclusive evidence
40 thereof.

- 1 (j) Impersonating an applicant or acting as proxy for an applicant
2 in any examination required under this chapter for the issuance of
3 a license.
- 4 (k) Impersonating a licensee, or permitting or allowing another
5 unlicensed person to use a license.
- 6 (l) Committing any fraudulent, dishonest, or corrupt act that is
7 substantially related to the qualifications, functions, or duties of a
8 licensee.
- 9 (m) Committing any act punishable as a sexually related crime,
10 if that act is substantially related to the qualifications, functions,
11 or duties of a licensee, in which event a certified copy of the record
12 of conviction shall be conclusive evidence thereof.
- 13 (n) Using excessive force upon or mistreating or abusing any
14 athlete or athlete patient. For purposes of this subdivision,
15 “excessive force” means force clearly in excess of that which
16 would normally be applied in similar clinical circumstances.
- 17 (o) Falsifying or making grossly incorrect, grossly inconsistent,
18 or unintelligible entries in an athlete or athlete patient or hospital
19 record or any other record.
- 20 (p) Changing the prescription of a physician and surgeon or
21 falsifying verbal or written orders for treatment or a diagnostic
22 regime received, whether or not that action resulted in actual harm
23 to the athlete or athlete patient.
- 24 (q) Failing to maintain the confidentiality of medical information
25 of an athlete or athlete patient, except as disclosure is otherwise
26 permitted or required by law.
- 27 (r) Delegating to an unlicensed employee or person a service
28 that requires the knowledge, skills, abilities, or judgment of a
29 licensee.
- 30 (s) Committing any act that would be grounds for denial of a
31 license under Section 480.
- 32 (t) Except for good cause, the knowing failure to protect athletes
33 or athlete patients by failing to follow infection control guidelines
34 of the committee, thereby risking transmission of infectious
35 diseases from licensee to athlete or athlete patient, from athlete or
36 athlete patient to athlete or athlete patient, or from athlete or athlete
37 patient to licensee.
- 38 (u) As a licensee, obtaining, possessing, or prescribing a
39 controlled substance in violation of Division 10 (commencing with
40 Section 11000) of the Health and Safety Code or any dangerous

1 drug or dangerous device in violation of Chapter 9 (commencing
2 with Section 4000).

3 (v) As a licensee, using to an extent or in a manner dangerous
4 or injurious to themselves, to any other person, or to the public,
5 or that impairs their ability to conduct with safety to the public the
6 practice authorized by their license, of any of the following:

7 (1) A controlled substance as defined in Division 10
8 (commencing with Section 11000) of the Health and Safety Code.

9 (2) A dangerous drug or dangerous device as defined in Section
10 4022.

11 (3) Alcoholic beverages.

12 (w) As a licensee, being convicted of a criminal offense
13 involving the prescription, consumption, or self-administration of
14 any of the substances described in paragraphs (1) and (2) of
15 subdivision (v), or the possession of, or falsification of a record
16 pertaining to, the substances described in paragraph (1) of
17 subdivision (v), in which event the record of the conviction is
18 conclusive evidence thereof.

19 (x) As a licensee, being committed or confined by a court of
20 competent jurisdiction for intemperate use of any of the substances
21 described in paragraphs (1) and (2) of subdivision (v), in which
22 event the court order of commitment or confinement is prima facie
23 evidence of the commitment or confinement.

24 (y) As a licensee, falsifying, or making grossly incorrect, grossly
25 inconsistent, or unintelligible entries in any athlete or athlete
26 patient’s record, or any other record.

27 ~~2697.11.~~

28 2697.12. Any person who violates this chapter shall be guilty
29 of a misdemeanor.

30

31

Article 3. Revenue

32

33 ~~2697.12.—~~

34 2697.13. The Athletic Trainers Fund is hereby established in
35 the State Treasury. All fees collected pursuant to this chapter shall
36 be paid into the fund. Moneys in the fund shall be available to the
37 board, upon appropriation by the Legislature, for expenditure by
38 the board to defray its expenses for administering this chapter.

39 ~~2697.13.—~~

1 2697.14. Notwithstanding any other law, including Section
2 11005 of the Government Code, the director may seek and receive
3 funds from the California Athletic Trainers Association or any
4 other private individual or entity for the initial costs of
5 implementing this chapter. If private funds are unavailable to cover
6 the startup costs of implementing this act, a General Fund or special
7 fund loan may be used and shall be repaid with fee revenue.

8 ~~2697.14.—~~

9 2697.15. The director shall determine that sufficient funds for
10 that purpose of administering this chapter have been obtained and
11 shall provide notice to the Legislature, the Governor, and on the
12 department's internet website of the determination.

13 ~~2697.15.—~~

14 2697.16. This chapter shall remain in effect only until January
15 1, 2028, and as of that date is repealed.

16 ~~SEC. 4.~~

17 *SEC. 2.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 814

Introduced by Assembly Member Lowenthal

February 13, 2023

An act to amend Section 4905 of, and to add Sections 2631, 2660.9, and 4828.5 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 814, as amended, Lowenthal. Veterinary medicine: animal physical rehabilitation.

Existing law, the Physical Therapy Practice Act, provides for the licensure and regulation of physical therapists by the Physical Therapy Board of California, which is within the Department of Consumer Affairs. That act defines physical therapy as the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise.

Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs. That act makes it unlawful for any person to practice veterinary medicine in this state without a license and provides that the practice of veterinary medicine includes, among other things, the treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal.

~~This bill would state the intent of the Legislature to enact subsequent legislation to authorize a veterinarian to refer an animal to a licensed physical therapist holding an advanced certification to provide animal physical rehabilitation under the supervision of the veterinarian.~~

This bill would authorize a licensed physical therapist to be registered with the Veterinary Medical Board as an authorized animal physical therapist and to provide animal physical rehabilitation, as defined, to an animal if specified requirements are met, including that the authorized animal physical therapist performs all delegated animal rehabilitation tasks under the supervision of a veterinarian who has an established veterinarian-client-patient-relationship with the animal. The bill would authorize an animal physical rehabilitation assistant, as defined, to assist with delegated animal rehabilitation tasks subject to specified conditions, including requiring the tasks to be performed under the direct supervision of an authorized animal physical therapist. The bill would require an animal physical rehabilitation facility, as defined, to be registered with the Veterinary Medical Board.

This bill would require the Veterinary Medical Board and the Physical Therapy Board of California to determine qualifications to receive an authorization in animal physical rehabilitation, and would require the Veterinary Medical Board to create the registration form and determine the registration process. The bill would authorize the Veterinary Medical Board to discipline an authorized animal physical therapist, as specified, and would require the Veterinary Medical Board to report disciplinary actions against a physical therapist to the Physical Therapy Board of California.

This bill would make a violation of the provisions by a licensee of the Physical Therapy Practice Act unprofessional conduct. The bill would establish fees for the issuance and renewal of an authorization in animal physical rehabilitation and initial and annual renewal fees for registration of an animal physical rehabilitation facility, which would be deposited in the Veterinary Medical Board Contingent Fund.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 2631 is added to the Business and*
- 2 *Professions Code, to read:*

1 2631. *This chapter does not prohibit a licensed physical*
2 *therapist from performing animal rehabilitation under Section*
3 *4828.5, or from carrying out the activities authorized under that*
4 *section.*

5 SEC. 2. *Section 2660.9 is added to the Business and Professions*
6 *Code, to read:*

7 2660.9. (a) *A violation of Section 4828.5 by a licensee of this*
8 *chapter shall constitute unprofessional conduct under Section*
9 *2660.*

10 (b) *A report of a final disciplinary action against a licensee of*
11 *this chapter by the Veterinary Medical Board under subdivision*
12 *(k) of 4828.5 shall be deemed as conclusive evidence of*
13 *unprofessional conduct by the licensee under Section 2660.*

14 SEC. 3. *Section 4828.5 is added to the Business and Professions*
15 *Code, to read:*

16 4828.5. (a) *For purposes of this section, the following*
17 *definitions apply:*

18 (1) *“Animal physical rehabilitation” means the treatment of*
19 *injury or illness to address pain and improve function by means*
20 *of physical or corrective treatment, as defined under Section 2038.5*
21 *of Title 16 of the California Code of Regulations. Animal physical*
22 *rehabilitation does not include relaxation, recreational, or wellness*
23 *modalities, including, but not limited to, massage, athletic training,*
24 *or exercise.*

25 (2) *“Animal physical rehabilitation assistant” means an*
26 *unlicensed person who is not a licensed veterinarian, registered*
27 *veterinarian technician, or authorized animal physical therapist,*
28 *and who assists an authorized animal physical therapist with*
29 *delegated animal rehabilitation tasks pursuant to this section.*

30 (3) *“Animal physical rehabilitation facility” means a facility*
31 *registered with the board where an authorized animal physical*
32 *therapist performs delegated animal rehabilitation tasks on an*
33 *animal patient.*

34 (4) *“Authorized animal physical therapist” means a physical*
35 *therapist licensed under the Physical Therapy Practice Act*
36 *(Chapter 5.7 (commencing with Section 2600)), who is registered*
37 *with the board, and who performs animal physical rehabilitation*
38 *under a supervising veterinarian pursuant to this section.*

39 (5) *“Delegated animal rehabilitation task” means animal*
40 *physical rehabilitation treatments, functional assessment, or*

1 *services delegated to an authorized animal physical therapist or*
2 *animal physical rehabilitation assistant by a supervising*
3 *veterinarian providing an order for treatment.*

4 (6) *“Direct supervision” means both of the following:*

5 (A) *The supervising veterinarian is physically present at the*
6 *location where delegated animal rehabilitation tasks are to be*
7 *performed and is quickly and easily available.*

8 (B) *The animal has been examined by the supervising*
9 *veterinarian within the period of time consistent with standards*
10 *of good veterinary medical practice and the particular delegated*
11 *animal rehabilitation task.*

12 (7) *“Indirect supervision” means both of the following:*

13 (A) *The supervising veterinarian is not physically present at the*
14 *location where delegated animal rehabilitation tasks are to be*
15 *performed, but has given an order for treatment to an authorized*
16 *animal physical therapist to provide treatment to an animal patient.*

17 (B) *The animal has been examined by the supervising*
18 *veterinarian within the period of time consistent with standards*
19 *of good veterinary medical practice and the particular delegated*
20 *animal physical rehabilitation task.*

21 (8) *“Order for treatment” means oral or written instruction*
22 *from a supervising veterinarian authorizing physical rehabilitation*
23 *of an animal patient, including, but not limited to, communication*
24 *and safety protocols or procedures specific to the animal patient,*
25 *consistent with standards of good veterinary medical practice and*
26 *the particular delegated animal rehabilitation task.*

27 (9) *“Supervising veterinarian” means a veterinarian licensed*
28 *pursuant to this chapter who is responsible for all of the following:*

29 (A) *Examining the animal patient before giving an order for*
30 *treatment to an authorized animal physical therapist or animal*
31 *physical rehabilitation assistant to perform a delegated animal*
32 *physical rehabilitation task. The examination of the animal patient*
33 *shall establish a veterinary-patient-client-relationship and shall*
34 *be conducted within the period of time consistent with standards*
35 *of good veterinary medical practice and the particular delegated*
36 *animal rehabilitation task.*

37 (B) *Making all decisions relating to the diagnosis, treatment,*
38 *management, and future disposition of the animal patient.*

39 (C) *Determining the appropriate degree of supervision of an*
40 *authorized animal physical therapist or an animal physical*

1 *rehabilitation assistant necessary for the performance of the*
2 *particular delegated animal physical rehabilitation task, consistent*
3 *with standards of good veterinary medical practice.*

4 (10) *“Supervision” or “degree of supervision” means veterinary*
5 *oversight of the treatment plan performed by the authorized animal*
6 *physical therapist and may be either direct supervision or indirect*
7 *supervision.*

8 (b) *Notwithstanding any other law, an authorized animal*
9 *physical therapist may provide animal physical rehabilitation to*
10 *an animal if all of the following requirements are met:*

11 (1) *The authorized animal physical therapist performs all*
12 *delegated animal rehabilitation tasks under the supervision of a*
13 *veterinarian who has an established*
14 *veterinary-patient-client-relationship with the animal. This*
15 *veterinary-patient-client-relationship need not be established on*
16 *the same premises where the delegated animal rehabilitation tasks*
17 *are performed.*

18 (2) *The degree of supervision is consistent with standards of*
19 *good veterinary medical practice and the particular delegated*
20 *animal rehabilitation task, as determined by the supervising*
21 *veterinarian.*

22 (3) *The delegated animal rehabilitation task is performed on a*
23 *veterinary premise registered with the board, in an animal physical*
24 *rehabilitation facility registered with the board, or in a mobile or*
25 *range setting.*

26 (4) *The authorized animal physical therapist has registered to*
27 *practice animal physical rehabilitation with the board and has*
28 *paid the fee as described in Section 4905.*

29 (c) *An animal physical rehabilitation assistant may assist with*
30 *delegated animal rehabilitation tasks if both of the following*
31 *requirements are met:*

32 (1) *The animal physical rehabilitation assistant performs the*
33 *delegated animal rehabilitation tasks under the direct supervision*
34 *of an authorized animal physical therapist in compliance with*
35 *subdivision (b).*

36 (2) *The animal physical rehabilitation assistant is working under*
37 *the degree of supervision consistent with standards of good*
38 *veterinary medical practice and the particular delegated animal*
39 *rehabilitation task, as determined by the authorized animal*
40 *physical therapist’s supervising veterinarian.*

1 (d) Unless specifically authorized by this section, an authorized
2 animal physical therapist or animal physical rehabilitation
3 assistant shall not perform any activity that represents the practice
4 of veterinary medicine or requires the knowledge, skill, and
5 training of a licensed veterinarian or registered veterinary
6 technician, including the following:

7 (1) Surgery.

8 (2) Diagnosis and prognosis of animal diseases.

9 (3) Prescription of drugs, medicines, or appliances.

10 (4) Anesthesia.

11 (5) Application of casts or splints, except temporary cast
12 molding for purposes of fitting custom or prefabricated orthotics
13 or prosthetics if ordered by a supervising veterinarian.

14 (6) Dental extraction.

15 (7) Suture.

16 (8) Administration of controlled substances.

17 (9) Any other veterinary medicine function, tasks, or activities
18 not specifically authorized by a supervising veterinarian as a
19 delegated animal rehabilitation task.

20 (e) (1) An animal physical rehabilitation facility shall be
21 registered with the board, on a form approved by the board, and
22 pay the registration fee described in Section 4905.

23 (2) The board may inspect an animal rehabilitation facility for
24 safety and compliance with this chapter.

25 (f) (1) The board and the Physical Therapy Board of California,
26 in cooperation, shall determine the qualifications necessary for a
27 physical therapist licensed under Chapter 5.7 (commencing with
28 Section 2600) to register with the board and receive an
29 authorization in animal physical rehabilitation. When making this
30 determination, the board and the Physical Therapy Board of
31 California shall ensure that the qualifications provide for safe and
32 efficacious treatment of an animal and are consistent with the
33 Veterinary Medical Board's Animal Rehabilitation Task Force
34 findings and approved motions.

35 (2) The board shall create the registration form and determine
36 the registration process for the authorization.

37 (g) An authorization shall expire two years after the date of
38 issuance and may be renewed in a manner approved by the board
39 and consistent with Article 5 (commencing with Section 4900).

1 (h) An authorized animal physical therapist shall be solely liable
2 for any delegated animal rehabilitation tasks that they perform.
3 The veterinarian who issues an order for treatment for animal
4 physical rehabilitation shall not be liable for any animal physical
5 rehabilitation provided by the authorized animal physical therapist
6 or the animal physical rehabilitation assistant.

7 (i) Consistent with this chapter, the board may discipline an
8 authorized animal physical therapist, including, but not limited
9 to, revocation of the physical therapist's authorization to perform
10 animal physical rehabilitation.

11 (j) Failure to comply with the supervision requirements in this
12 section shall be deemed unprofessional conduct and shall subject
13 an authorized animal physical therapist to revocation of the
14 authorization issued by the board.

15 (k) The board shall report final disciplinary actions against an
16 authorized physical therapist pursuant to subdivision (i) to the
17 Physical Therapy Board of California.

18 SEC. 4. Section 4905 of the Business and Professions Code is
19 amended to read:

20 4905. The following fees shall be collected by the board and
21 shall be credited to the Veterinary Medical Board Contingent Fund:

22 (a) The veterinarian license application fee shall be three
23 hundred fifty dollars (\$350).

24 (b) The Veterinary Medicine Practice Act course fee shall be
25 set by the board in an amount it determines reasonably necessary
26 to provide sufficient funds to carry out the purpose of this chapter,
27 not to exceed one hundred dollars (\$100).

28 (c) The initial veterinarian license fee shall be set by the board
29 not to exceed five hundred dollars (\$500).

30 (d) The biennial veterinarian license renewal fee shall be five
31 hundred dollars (\$500).

32 (e) The university licensee application fee shall be three hundred
33 fifty dollars (\$350).

34 (f) The initial university license fee shall be five hundred dollars
35 (\$500).

36 (g) The biennial university licensee renewal fee shall be five
37 hundred dollars (\$500).

38 (h) The delinquency fee shall be fifty dollars (\$50).

39 (i) The fee for issuance of a duplicate license, registration, or
40 permit shall be twenty-five dollars (\$25).

- 1 (j) Any charge made for duplication or other services shall be
2 set at the cost of rendering the service, except as specified in
3 subdivision (i).
- 4 (k) The fee for failure to report a change in the mailing address
5 shall be twenty-five dollars (\$25).
- 6 (l) The initial veterinary premises registration fee shall be five
7 hundred dollars (\$500) annually.
- 8 (m) The annual veterinary premises registration renewal fee
9 shall be five hundred twenty-five dollars (\$525).
- 10 (n) The registered veterinary technician application fee shall be
11 two hundred twenty-five dollars (\$225).
- 12 (o) The initial registered veterinary technician registration fee
13 shall be two hundred twenty-five dollars (\$225).
- 14 (p) The biennial registered veterinary technician renewal fee
15 shall be two hundred twenty-five dollars (\$225).
- 16 (q) The veterinary assistant controlled substance permit
17 application fee shall be one hundred dollars (\$100).
- 18 (r) The veterinary assistant controlled substance permit fee shall
19 be one hundred dollars (\$100).
- 20 (s) The biennial veterinary assistant controlled substance permit
21 renewal fee shall be one hundred dollars (\$100).
- 22 (t) The veterinary assistant controlled substance permit
23 delinquency fee shall be 50 percent of the renewal fee for such
24 permit in effect on the date of the renewal of the permit, but shall
25 not be less than twenty-five dollars (\$25) nor more than one
26 hundred fifty dollars (\$150).
- 27 (u) The fee for filing an application for approval of a school or
28 institution offering a curriculum for training registered veterinary
29 technicians pursuant to Section 4843 shall be set by the board at
30 an amount not to exceed three hundred dollars (\$300). The school
31 or institution shall also pay for the reasonable regulatory costs
32 incident to an onsite inspection conducted by the board pursuant
33 to Section 2065.6 of Title 16 of the California Code of Regulations.
- 34 (v) *The fee for the issuance and renewal of an authorization in*
35 *animal physical rehabilitation pursuant to Section 4828.5 shall*
36 *be set by the board in an amount not to exceed the reasonable*
37 *regulatory costs to the board.*
- 38 (w) *The initial and annual renewal fees for registration of an*
39 *animal physical rehabilitation facility pursuant to Section 4828.5*

1 *shall be set by the board in an amount not to exceed the reasonable*
2 *regulatory costs to the board.*

3 ~~(v)~~

4 (x) If the money transferred from the Veterinary Medical Board
5 Contingent Fund to the General Fund pursuant to the Budget Act
6 of 1991 is redeposited into the Veterinary Medical Board
7 Contingent Fund, the fees assessed by the board shall be reduced
8 correspondingly. However, the reduction shall not be so great as
9 to cause the Veterinary Medical Board Contingent Fund to have
10 a reserve of less than three months of annual authorized board
11 expenditures. The fees set by the board shall not result in a
12 Veterinary Medical Board Contingent Fund reserve of more than
13 10 months of annual authorized board expenditures.

14 ~~SECTION 1. It is the intent of the Legislature to enact~~
15 ~~subsequent legislation to authorize a veterinarian to refer an animal~~
16 ~~to a licensed physical therapist holding an advanced certification~~
17 ~~in animal physical rehabilitation to provide animal physical~~
18 ~~rehabilitation under the supervision of the veterinarian.~~

ASSEMBLY BILL

No. 1028

Introduced by Assembly Member McKinnor
(Coauthor: Assembly Member Wicks)

February 15, 2023

An act to amend, repeal, and add Sections 11160, 11161, 11163.2, and 11163.3 of the Penal Code, relating to reporting of crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1028, as introduced, McKinnor. Reporting of crimes: mandated reporters.

Existing law requires a health practitioner, as defined, to make a report to law enforcement when they suspect a patient has suffered physical injury that is either self-inflicted, caused by a firearm, or caused by assaultive or abusive conduct, including elder abuse, sexual assault, or torture. A violation of these provisions is punishable as a misdemeanor.

This bill would, on and after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct.

The bill would, on and after January 1, 2025, instead require a health practitioner who suspects that a patient has suffered physical injury that is caused by domestic violence, as defined, to provide brief counseling, education, or other support, and a warm handoff, as defined, or referral to local and national domestic violence or sexual violence advocacy services, as specified. The bill would, on and after January 1, 2025, specify that a health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

This bill would make other conforming changes.

Because a violation of these requirements would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Recognizing that abuse survivors often need to access health
4 care and medical treatment apart from police reporting and criminal
5 legal involvement, this bill replaces mandated police reporting by
6 medical professionals with offering connection to survivor services.

7 (b) Health care providers play a critical role in prevention,
8 identification, and response to violence. However, current law
9 requiring health professionals in California to file reports to law
10 enforcement when treating patients for all suspected
11 violence-related injuries can have a chilling effect of preventing
12 domestic and sexual violence survivors from seeking medical care,
13 decreasing patient autonomy and trust, and resulting in health
14 providers being reluctant to address domestic and sexual violence
15 with their patients.

16 (c) Studies have shown that medical mandatory reporting of
17 adult domestic and sexual violence may increase patient danger
18 and insecurity, whereas being able to openly discuss abuse without
19 fear of police reporting can produce greater health and safety
20 outcomes.

21 (d) Because of the complexity of interpersonal violence and
22 impact of social inequities on safety, people who have experienced
23 violence should be provided survivor-centered support and health
24 care that results in better outcomes for patient safety. Doing so
25 can improve the health and safety of patients already in care,
26 decrease potential barriers to care, and promote trust between
27 survivors and health providers.

1 (e) Nothing in this act limits or overrides the ability of a health
2 practitioner to make reports permitted by subdivisions (c) or (j) of
3 Section 164.512 of Title 45 of the Code of Federal Regulations,
4 or at the patient’s request. Providers must still follow reporting
5 requirements for child abuse, pursuant to Section 11165 of the
6 Penal Code, and elder and vulnerable adult abuse, pursuant to
7 Section 15600 of the Welfare and Institutions Code. It is the intent
8 of the Legislature to promote partnership between health facilities
9 and domestic and sexual violence advocacy organizations, legal
10 aid, county forensic response teams, and other community-based
11 organizations that address social determinants of health in order
12 to better ensure the safety and wellness of their patients and provide
13 training for health practitioners. Health practitioners may refer to
14 their respective health facility policies developed pursuant to
15 Section 1259.5 of the Health and Safety Code for guidance on
16 identifying abuse, documentation of abuse, and health practitioner
17 training on abuse.

18 SEC. 2. Section 11160 of the Penal Code is amended to read:

19 11160. (a) A health practitioner, as defined in subdivision (a)
20 of Section 11162.5, employed by a health facility, clinic,
21 physician’s office, local or state public health department, local
22 government agency, or a clinic or other type of facility operated
23 by a local or state public health department who, in the health
24 practitioner’s professional capacity or within the scope of the health
25 practitioner’s employment, provides medical services for a physical
26 condition to a patient whom the health practitioner knows or
27 reasonably suspects is a person described as follows, shall
28 immediately make a report in accordance with subdivision (b):

29 (1) A person suffering from a wound or other physical injury
30 inflicted by the person’s own act or inflicted by another where the
31 injury is by means of a firearm.

32 (2) A person suffering from a wound or other physical injury
33 inflicted upon the person where the injury is the result of assaultive
34 or abusive conduct.

35 (b) A health practitioner, as defined in subdivision (a) of Section
36 11162.5, employed by a health facility, clinic, physician’s office,
37 local or state public health department, local government agency,
38 or a clinic or other type of facility operated by a local or state
39 public health department shall make a report regarding persons

1 described in subdivision (a) to a local law enforcement agency as
2 follows:

3 (1) A report by telephone shall be made immediately or as soon
4 as practically possible.

5 (2) A written report shall be prepared on the standard form
6 developed in compliance with paragraph (4), and adopted by the
7 Office of Emergency Services, or on a form developed and adopted
8 by another state agency that otherwise fulfills the requirements of
9 the standard form. The completed form shall be sent to a local law
10 enforcement agency within two working days of receiving the
11 information regarding the person.

12 (3) A local law enforcement agency shall be notified and a
13 written report shall be prepared and sent pursuant to paragraphs
14 (1) and (2) even if the person who suffered the wound, other injury,
15 or assaultive or abusive conduct has expired, regardless of whether
16 or not the wound, other injury, or assaultive or abusive conduct
17 was a factor contributing to the death, and even if the evidence of
18 the conduct of the perpetrator of the wound, other injury, or
19 assaultive or abusive conduct was discovered during an autopsy.

20 (4) The report shall include, but shall not be limited to, the
21 following:

- 22 (A) The name of the injured person, if known.
- 23 (B) The injured person's whereabouts.
- 24 (C) The character and extent of the person's injuries.
- 25 (D) The identity of any person the injured person alleges
26 inflicted the wound, other injury, or assaultive or abusive conduct
27 upon the injured person.

28 (c) For the purposes of this section, "injury" does not include
29 any psychological or physical condition brought about solely
30 through the voluntary administration of a narcotic or restricted
31 dangerous drug.

32 (d) For the purposes of this section, "assaultive or abusive
33 conduct" includes any of the following offenses:

- 34 (1) Murder, in violation of Section 187.
- 35 (2) Manslaughter, in violation of Section 192 or 192.5.
- 36 (3) Mayhem, in violation of Section 203.
- 37 (4) Aggravated mayhem, in violation of Section 205.
- 38 (5) Torture, in violation of Section 206.
- 39 (6) Assault with intent to commit mayhem, rape, sodomy, or
40 oral copulation, in violation of Section 220.

- 1 (7) Administering controlled substances or anesthetic to aid in
2 commission of a felony, in violation of Section 222.
- 3 (8) Battery, in violation of Section 242.
- 4 (9) Sexual battery, in violation of Section 243.4.
- 5 (10) Incest, in violation of Section 285.
- 6 (11) Throwing any vitriol, corrosive acid, or caustic chemical
7 with intent to injure or disfigure, in violation of Section 244.
- 8 (12) Assault with a stun gun or taser, in violation of Section
9 244.5.
- 10 (13) Assault with a deadly weapon, firearm, assault weapon, or
11 machinegun, or by means likely to produce great bodily injury, in
12 violation of Section 245.
- 13 (14) Rape, in violation of Section 261 or former Section 262.
- 14 (15) Procuring a person to have sex with another person, in
15 violation of Section 266, 266a, 266b, or 266c.
- 16 (16) Child abuse or endangerment, in violation of Section 273a
17 or 273d.
- 18 (17) Abuse of spouse or cohabitant, in violation of Section
19 273.5.
- 20 (18) Sodomy, in violation of Section 286.
- 21 (19) Lewd and lascivious acts with a child, in violation of
22 Section 288.
- 23 (20) Oral copulation, in violation of Section 287 or former
24 Section 288a.
- 25 (21) Sexual penetration, in violation of Section 289.
- 26 (22) Elder abuse, in violation of Section 368.
- 27 (23) An attempt to commit any crime specified in paragraphs
28 (1) to (22), inclusive.
- 29 (e) When two or more persons who are required to report are
30 present and jointly have knowledge of a known or suspected
31 instance of violence that is required to be reported pursuant to this
32 section, and when there is an agreement among these persons to
33 report as a team, the team may select by mutual agreement a
34 member of the team to make a report by telephone and a single
35 written report, as required by subdivision (b). The written report
36 shall be signed by the selected member of the reporting team. Any
37 member who has knowledge that the member designated to report
38 has failed to do so shall thereafter make the report.
- 39 (f) The reporting duties under this section are individual, except
40 as provided in subdivision (e).

1 (g) A supervisor or administrator shall not impede or inhibit the
 2 reporting duties required under this section and a person making
 3 a report pursuant to this section shall not be subject to any sanction
 4 for making the report. However, internal procedures to facilitate
 5 reporting and apprise supervisors and administrators of reports
 6 may be established, except that these procedures shall not be
 7 inconsistent with this article. The internal procedures shall not
 8 require an employee required to make a report under this article
 9 to disclose the employee’s identity to the employer.

10 (h) For the purposes of this section, it is the Legislature’s intent
 11 to avoid duplication of information.

12 (i) For purposes of this section only, “employed by a local
 13 government agency” includes an employee of an entity under
 14 contract with a local government agency to provide medical
 15 services.

16 (j) *This section shall remain in effect only until January 1, 2025,*
 17 *and as of that date is repealed.*

18 SEC. 3. Section 11160 is added to the Penal Code, to read:

19 11160. (a) A health practitioner, as defined in subdivision (a)
 20 of Section 11162.5, employed by a health facility, clinic,
 21 physician’s office, local or state public health department, local
 22 government agency, or a clinic or other type of facility operated
 23 by a local or state public health department who, in the health
 24 practitioner’s professional capacity or within the scope of the health
 25 practitioner’s employment, provides medical services for a physical
 26 condition to a patient whom the health practitioner knows or
 27 reasonably suspects is a person suffering from a wound or other
 28 physical injury inflicted by the person’s own act or inflicted by
 29 another where the injury is by means of a firearm shall immediately
 30 make a report in accordance with subdivision (b).

31 (b) A health practitioner, as defined in subdivision (a) of Section
 32 11162.5, employed by a health facility, clinic, physician’s office,
 33 local or state public health department, local government agency,
 34 or a clinic or other type of facility operated by a local or state
 35 public health department shall make a report regarding persons
 36 described in subdivision (a) to a local law enforcement agency as
 37 follows:

38 (1) A report by telephone shall be made immediately or as soon
 39 as practically possible.

1 (2) A written report shall be prepared on the standard form
2 developed in compliance with paragraph (4), and adopted by the
3 Office of Emergency Services, or on a form developed and adopted
4 by another state agency that otherwise fulfills the requirements of
5 the standard form. The completed form shall be sent to a local law
6 enforcement agency within two working days of receiving the
7 information regarding the person.

8 (3) A local law enforcement agency shall be notified and a
9 written report shall be prepared and sent pursuant to paragraphs
10 (1) and (2) even if the person who suffered the wound or other
11 injury has expired, regardless of whether or not the wound or other
12 injury was a factor contributing to the death, and even if the
13 evidence of the conduct of the perpetrator of the wound or other
14 injury was discovered during an autopsy.

15 (4) The report shall include, but shall not be limited to, the
16 following:

17 (A) The name of the injured person, if known.

18 (B) The injured person's whereabouts.

19 (C) The character and extent of the person's injuries.

20 (D) The identity of any person the injured person alleges
21 inflicted the wound or other injury upon the injured person.

22 (c) For the purposes of this section, "injury" does not include
23 any psychological or physical condition brought about solely
24 through the voluntary administration of a narcotic or restricted
25 dangerous drug.

26 (d) When two or more persons who are required to report are
27 present and jointly have knowledge of a known or suspected
28 instance of violence that is required to be reported pursuant to this
29 section, and when there is an agreement among these persons to
30 report as a team, the team may select by mutual agreement a
31 member of the team to make a report by telephone and a single
32 written report, as required by subdivision (b). The written report
33 shall be signed by the selected member of the reporting team. Any
34 member who has knowledge that the member designated to report
35 has failed to do so shall thereafter make the report.

36 (e) The reporting duties under this section are individual, except
37 as provided in subdivision (d).

38 (f) A supervisor or administrator shall not impede or inhibit the
39 reporting duties required under this section and a person making
40 a report pursuant to this section shall not be subject to any sanction

1 for making the report. However, internal procedures to facilitate
2 reporting and apprise supervisors and administrators of reports
3 may be established, except that these procedures shall not be
4 inconsistent with this article. The internal procedures shall not
5 require an employee required to make a report under this article
6 to disclose the employee's identity to the employer.

7 (g) A health practitioner, as defined in subdivision (a) of Section
8 11162.5, employed by a health facility, clinic, physician's office,
9 local or state public health department, local government agency,
10 or a clinic or other type of facility operated by a local or state
11 public health department who, in the health practitioner's
12 professional capacity or within the scope of the health practitioner's
13 employment, provides medical services to a patient whom the
14 health practitioner knows or reasonably suspects is experiencing
15 any form of domestic violence, as set forth in Section 124250 of
16 the Health and Safety Code, or sexual violence, as set forth in
17 Sections 243.4 and 261, shall, to the degree that it is medically
18 possible for the individual patient, provide brief counseling,
19 education, or other support, and offer a warm handoff or referral
20 to local and national domestic violence or sexual violence advocacy
21 services, as described in Sections 1035.2 and 1037.1 of the
22 Evidence Code, before the end of the patient visit. The health
23 practitioner shall have met the requirements of this subdivision
24 when the brief counseling, education, or other support is provided
25 and warm handoff or referral is offered by a member of the health
26 care team at the health facility.

27 (h) A health practitioner may offer a warm handoff and referral
28 to other available victim services, including, but not limited to,
29 legal aid, community-based organizations, behavioral health, crime
30 victim compensation, forensic evidentiary exams, trauma recovery
31 centers, family justice centers, and law enforcement to patients
32 who are suspected to have suffered any nonaccidental injury.

33 (i) Nothing in this section limits or overrides the ability of a
34 health practitioner to alert law enforcement to an imminent and
35 serious threat to health or safety of an individual or the public,
36 pursuant to the privacy rules of the federal Health Insurance
37 Portability and Accountability Act of 1996 in subdivisions (c) and
38 (j) of Section 164.512 of Title 45 of the Code of Federal
39 Regulations, or at the patient's request.

1 (j) For the purposes of this section, it is the Legislature’s intent
2 to avoid duplication of information.

3 (k) For purposes of this section only, “employed by a local
4 government agency” includes an employee of an entity under
5 contract with a local government agency to provide medical
6 services.

7 (l) For purposes of this section, the following terms have the
8 following meanings:

9 (1) “Warm handoff” may include, but is not limited to, the health
10 practitioner establishing direct and live connection through a call
11 with a survivor advocate, in-person onsite survivor advocate,
12 in-person on-call survivor advocate, or some other form of
13 teleadvocacy. The patient may decline the warm handoff.

14 (2) “Referral” may include, but is not limited to, the health
15 practitioner sharing information about how a patient can get in
16 touch with a local or national survivor advocacy organization,
17 information about how the survivor advocacy organization could
18 be helpful for the patient, what the patient could expect when
19 contacting the survivor advocacy organization, or the survivor
20 advocacy organization’s contact information.

21 (m) A health practitioner shall not be civilly or criminally liable
22 for any report that is made in good faith and in compliance with
23 this section and all other applicable state and federal laws.

24 (n) This section shall become operative on January 1, 2025.

25 SEC. 4. Section 11161 of the Penal Code is amended to read:

26 11161. Notwithstanding Section 11160, the following shall
27 apply to every physician ~~or~~ *and* surgeon who has under ~~his or her~~
28 *their* charge or care any person described in subdivision (a) of
29 Section 11160:

30 (a) The physician ~~or~~ *and* surgeon shall make a report in
31 accordance with subdivision (b) of Section 11160 to a local law
32 enforcement agency.

33 (b) It is recommended that any medical records of a person
34 about whom the physician ~~or~~ *and* surgeon is required to report
35 pursuant to subdivision (a) include the following:

36 (1) Any comments by the injured person regarding past domestic
37 violence, as defined in Section 13700, or regarding the name of
38 any person suspected of inflicting the wound, other physical injury,
39 or assaultive or abusive conduct upon the person.

1 (2) A map of the injured person’s body showing and identifying
2 injuries and bruises at the time of the health care.

3 (3) A copy of the law enforcement reporting form.

4 (c) It is recommended that the physician ~~or~~ and surgeon refer
5 the person to local domestic violence services if the person is
6 suffering or suspected of suffering from domestic violence, as
7 defined in Section 13700.

8 (d) *This section shall remain in effect only until January 1, 2025,*
9 *and as of that date is repealed.*

10 SEC. 5. Section 11161 is added to the Penal Code, to read:

11 11161. Notwithstanding Section 11160, the following shall
12 apply to every physician and surgeon who has under their charge
13 or care any person described in subdivision (a) of Section 11160:

14 (a) The physician and surgeon shall make a report in accordance
15 with subdivision (b) of Section 11160 to a local law enforcement
16 agency.

17 (b) It is recommended that any medical records of a person
18 about whom the physician and surgeon is required to report
19 pursuant to subdivision (a) include the following:

20 (1) Any comments by the injured person regarding past domestic
21 violence, as defined in Section 13700, or regarding the name of
22 any person suspected of inflicting the wound or other physical
23 injury upon the person.

24 (2) A map of the injured person’s body showing and identifying
25 injuries and bruises at the time of the health care.

26 (3) A copy of the law enforcement reporting form.

27 (c) The physician and surgeon shall offer a referral to local
28 domestic violence services if the person is suffering or suspected
29 of suffering from domestic violence, as defined in Section 13700.

30 (d) This section shall become operative on January 1, 2025.

31 SEC. 6. Section 11163.2 of the Penal Code is amended to read:

32 11163.2. (a) In any court proceeding or administrative hearing,
33 neither the physician-patient privilege nor the psychotherapist
34 privilege applies to the information required to be reported pursuant
35 to this article.

36 (b) The reports required by this article shall be kept confidential
37 by the health facility, clinic, or physician’s office that submitted
38 the report, and by local law enforcement agencies, and shall only
39 be disclosed by local law enforcement agencies to those involved
40 in the investigation of the report or the enforcement of a criminal

1 law implicated by a report. In no case shall the person suspected
2 or accused of inflicting the wound, other injury, or assaultive or
3 abusive conduct upon the injured person or ~~his or her~~ *their* attorney
4 be allowed access to the injured person’s whereabouts. *Nothing*
5 *in this subdivision is intended to conflict with Section 1054.1 or*
6 *1054.2.*

7 (c) For the purposes of this article, reports of suspected child
8 abuse and information contained therein may be disclosed only to
9 persons or agencies with whom investigations of child abuse are
10 coordinated under the regulations promulgated under Section
11 11174.

12 (d) The Board of Prison Terms may subpoena reports that are
13 not unfounded and reports that concern only the current incidents
14 upon which parole revocation proceedings are pending against a
15 parolee.

16 (e) *This section shall remain in effect only until January 1, 2025,*
17 *and as of that date is repealed.*

18 SEC. 7. Section 11163.2 is added to the Penal Code, to read:

19 11163.2. (a) In any court proceeding or administrative hearing,
20 neither the physician-patient privilege nor the
21 psychotherapist-patient privilege applies to the information required
22 to be reported pursuant to this article.

23 (b) The reports required by this article shall be kept confidential
24 by the health facility, clinic, or physician’s office that submitted
25 the report, and by local law enforcement agencies, and shall only
26 be disclosed by local law enforcement agencies to those involved
27 in the investigation of the report or the enforcement of a criminal
28 law implicated by a report. In no case shall the person suspected
29 or accused of inflicting the wound or other injury upon the injured
30 person, or the attorney of the suspect or accused, be allowed access
31 to the injured person’s whereabouts. Nothing in this subdivision
32 is intended to conflict with Section 1054.1 or 1054.2.

33 (c) For the purposes of this article, reports of suspected child
34 abuse and information contained therein may be disclosed only to
35 persons or agencies with whom investigations of child abuse are
36 coordinated under the regulations promulgated under Section
37 11174.

38 (d) The Board of Prison Terms may subpoena reports that are
39 not unfounded and reports that concern only the current incidents

1 upon which parole revocation proceedings are pending against a
2 parolee.

3 (e) This section shall become operative on January 1, 2025.

4 SEC. 8. Section 11163.3 of the Penal Code is amended to read:

5 11163.3. (a) A county may establish an interagency domestic
6 violence death review team to assist local agencies in identifying
7 and reviewing domestic violence deaths and near deaths, including
8 homicides and suicides, and facilitating communication among
9 the various agencies involved in domestic violence cases.
10 Interagency domestic violence death review teams have been used
11 successfully to ensure that incidents of domestic violence and
12 abuse are recognized and that agency involvement is reviewed to
13 develop recommendations for policies and protocols for community
14 prevention and intervention initiatives to reduce and eradicate the
15 incidence of domestic violence.

16 (b) (1) For purposes of this section, “abuse” has the meaning
17 set forth in Section 6203 of the Family Code and “domestic
18 violence” has the meaning set forth in Section 6211 of the Family
19 Code.

20 (2) For purposes of this section, “near death” means the victim
21 suffered a life-threatening injury, as determined by a licensed
22 physician or licensed nurse, as a result of domestic violence.

23 (c) A county may develop a protocol that may be used as a
24 guideline to assist coroners and other persons who perform
25 autopsies on domestic violence victims in the identification of
26 domestic violence, in the determination of whether domestic
27 violence contributed to death or whether domestic violence had
28 occurred prior to death, but was not the actual cause of death, and
29 in the proper written reporting procedures for domestic violence,
30 including the designation of the cause and mode of death.

31 (d) County domestic violence death review teams shall be
32 comprised of, but not limited to, the following:

- 33 (1) Experts in the field of forensic pathology.
- 34 (2) Medical personnel with expertise in domestic violence abuse.
- 35 (3) Coroners and medical examiners.
- 36 (4) Criminologists.
- 37 (5) District attorneys and city attorneys.
- 38 (6) Representatives of domestic violence victim service
39 organizations, as defined in subdivision (b) of Section 1037.1 of
40 the Evidence Code.

1 (7) Law enforcement personnel.

2 (8) Representatives of local agencies that are involved with
3 domestic violence abuse reporting.

4 (9) County health department staff who deal with domestic
5 violence victims' health issues.

6 (10) Representatives of local child abuse agencies.

7 (11) Local professional associations of persons described in
8 paragraphs (1) to (10), inclusive.

9 (e) An oral or written communication or a document shared
10 within or produced by a domestic violence death review team
11 related to a domestic violence death review is confidential and not
12 subject to disclosure or discoverable by a third party. An oral or
13 written communication or a document provided by a third party
14 to a domestic violence death review team, or between a third party
15 and a domestic violence death review team, is confidential and not
16 subject to disclosure or discoverable by a third party. This includes
17 a statement provided by a survivor in a near-death case review.
18 Notwithstanding the foregoing, recommendations of a domestic
19 violence death review team upon the completion of a review may
20 be disclosed at the discretion of a majority of the members of the
21 domestic violence death review team.

22 (f) Each organization represented on a domestic violence death
23 review team may share with other members of the team information
24 in its possession concerning the victim who is the subject of the
25 review or any person who was in contact with the victim and any
26 other information deemed by the organization to be pertinent to
27 the review. Any information shared by an organization with other
28 members of a team is confidential. This provision shall permit the
29 disclosure to members of the team of any information deemed
30 confidential, privileged, or prohibited from disclosure by any other
31 statute.

32 (g) Written and oral information may be disclosed to a domestic
33 violence death review team established pursuant to this section.
34 The team may make a request in writing for the information sought
35 and any person with information of the kind described in paragraph
36 (2) may rely on the request in determining whether information
37 may be disclosed to the team.

38 (1) An individual or agency that has information governed by
39 this subdivision shall not be required to disclose information. The

1 intent of this subdivision is to allow the voluntary disclosure of
2 information by the individual or agency that has the information.

3 (2) The following information may be disclosed pursuant to this
4 subdivision:

5 (A) Notwithstanding Section 56.10 of the Civil Code, medical
6 information.

7 (B) Notwithstanding Section 5328 of the Welfare and
8 Institutions Code, mental health information.

9 (C) Notwithstanding Section 15633.5 of the Welfare and
10 Institutions Code, information from elder abuse reports and
11 investigations, except the identity of persons who have made
12 reports, which shall not be disclosed.

13 (D) Notwithstanding Section 11167.5 of the Penal Code,
14 information from child abuse reports and investigations, except
15 the identity of persons who have made reports, which shall not be
16 disclosed.

17 (E) State summary criminal history information, criminal
18 offender record information, and local summary criminal history
19 information, as defined in Sections 11075, 11105, and 13300 of
20 the Penal Code.

21 (F) Notwithstanding Section 11163.2 of the Penal Code,
22 information pertaining to reports by health practitioners of persons
23 suffering from physical injuries inflicted by means of a firearm or
24 of persons suffering physical injury where the injury is a result of
25 assaultive or abusive conduct, and information relating to whether
26 a physician referred the person to local domestic violence services
27 as recommended by Section 11161 of the Penal Code.

28 (G) Notwithstanding Section 827 of the Welfare and Institutions
29 Code, information in any juvenile court proceeding.

30 (H) Information maintained by the Family Court, including
31 information relating to the Family Conciliation Court Law pursuant
32 to Section 1818 of the Family Code, and Mediation of Custody
33 and Visitation Issues pursuant to Section 3177 of the Family Code.

34 (I) Information provided to probation officers in the course of
35 the performance of their duties, including, but not limited to, the
36 duty to prepare reports pursuant to Section 1203.10 of the Penal
37 Code, as well as the information on which these reports are based.

38 (J) Notwithstanding Section 10850 of the Welfare and
39 Institutions Code, records of in-home supportive services, unless
40 disclosure is prohibited by federal law.

1 (3) The disclosure of written and oral information authorized
2 under this subdivision shall apply notwithstanding Sections 2263,
3 2918, 4982, and 6068 of the Business and Professions Code, or
4 the lawyer-client privilege protected by Article 3 (commencing
5 with Section 950) of Chapter 4 of Division 8 of the Evidence Code,
6 the physician-patient privilege protected by Article 6 (commencing
7 with Section 990) of Chapter 4 of Division 8 of the Evidence Code,
8 the psychotherapist-patient privilege protected by Article 7
9 (commencing with Section 1010) of Chapter 4 of Division 8 of
10 the Evidence Code, the sexual assault counselor-victim privilege
11 protected by Article 8.5 (commencing with Section 1035) of
12 Chapter 4 of Division 8 of the Evidence Code, the domestic
13 violence counselor-victim privilege protected by Article 8.7
14 (commencing with Section 1037) of Chapter 4 of Division 8 of
15 the Evidence Code, and the human trafficking caseworker-victim
16 privilege protected by Article 8.8 (commencing with Section 1038)
17 of Chapter 4 of Division 8 of the Evidence Code.

18 (4) In near-death cases, representatives of domestic violence
19 victim service organizations, as defined in subdivision (b) of
20 Section 1037.1 of the Evidence Code, shall obtain an individual's
21 informed consent in accordance with all applicable state and federal
22 confidentiality laws, before disclosing confidential information
23 about that individual to another team member as specified in this
24 section. In death review cases, representatives of domestic violence
25 victim service organizations shall only provide client-specific
26 information in accordance with both state and federal
27 confidentiality requirements.

28 (5) Near-death case reviews shall only occur after any
29 prosecution has concluded.

30 (6) Near-death survivors shall not be compelled to participate
31 in death review team investigations; their participation is voluntary.
32 In cases of death, the victim's family members may be invited to
33 participate, however they shall not be compelled to do so; their
34 participation is voluntary. Members of the death review teams
35 shall be prepared to provide referrals for services to address the
36 unmet needs of survivors and their families when appropriate.

37 *(h) This section shall remain in effect only until January 1, 2025,*
38 *and as of that date is repealed.*

39 SEC. 9. Section 11163.3 is added to the Penal Code, to read:

1 11163.3. (a) A county may establish an interagency domestic
2 violence death review team to assist local agencies in identifying
3 and reviewing domestic violence deaths and near deaths, including
4 homicides and suicides, and facilitating communication among
5 the various agencies involved in domestic violence cases.
6 Interagency domestic violence death review teams have been used
7 successfully to ensure that incidents of domestic violence and
8 abuse are recognized and that agency involvement is reviewed to
9 develop recommendations for policies and protocols for community
10 prevention and intervention initiatives to reduce and eradicate the
11 incidence of domestic violence.

12 (b) (1) For purposes of this section, “abuse” has the meaning
13 set forth in Section 6203 of the Family Code and “domestic
14 violence” has the meaning set forth in Section 6211 of the Family
15 Code.

16 (2) For purposes of this section, “near death” means the victim
17 suffered a life-threatening injury, as determined by a licensed
18 physician or licensed nurse, as a result of domestic violence.

19 (c) A county may develop a protocol that may be used as a
20 guideline to assist coroners and other persons who perform
21 autopsies on domestic violence victims in the identification of
22 domestic violence, in the determination of whether domestic
23 violence contributed to death or whether domestic violence had
24 occurred prior to death, but was not the actual cause of death, and
25 in the proper written reporting procedures for domestic violence,
26 including the designation of the cause and mode of death.

27 (d) County domestic violence death review teams shall be
28 comprised of, but not limited to, the following:

- 29 (1) Experts in the field of forensic pathology.
- 30 (2) Medical personnel with expertise in domestic violence abuse.
- 31 (3) Coroners and medical examiners.
- 32 (4) Criminologists.
- 33 (5) District attorneys and city attorneys.
- 34 (6) Representatives of domestic violence victim service
35 organizations, as defined in subdivision (b) of Section 1037.1 of
36 the Evidence Code.
- 37 (7) Law enforcement personnel.
- 38 (8) Representatives of local agencies that are involved with
39 domestic violence abuse reporting.

1 (9) County health department staff who deal with domestic
2 violence victims' health issues.

3 (10) Representatives of local child abuse agencies.

4 (11) Local professional associations of persons described in
5 paragraphs (1) to (10), inclusive.

6 (e) An oral or written communication or a document shared
7 within or produced by a domestic violence death review team
8 related to a domestic violence death review is confidential and not
9 subject to disclosure or discoverable by a third party. An oral or
10 written communication or a document provided by a third party
11 to a domestic violence death review team, or between a third party
12 and a domestic violence death review team, is confidential and not
13 subject to disclosure or discoverable by a third party. This includes
14 a statement provided by a survivor in a near-death case review.
15 Notwithstanding the foregoing, recommendations of a domestic
16 violence death review team upon the completion of a review may
17 be disclosed at the discretion of a majority of the members of the
18 domestic violence death review team.

19 (f) Each organization represented on a domestic violence death
20 review team may share with other members of the team information
21 in its possession concerning the victim who is the subject of the
22 review or any person who was in contact with the victim and any
23 other information deemed by the organization to be pertinent to
24 the review. Any information shared by an organization with other
25 members of a team is confidential. This provision shall permit the
26 disclosure to members of the team of any information deemed
27 confidential, privileged, or prohibited from disclosure by any other
28 statute.

29 (g) Written and oral information may be disclosed to a domestic
30 violence death review team established pursuant to this section.
31 The team may make a request in writing for the information sought
32 and any person with information of the kind described in paragraph
33 (2) may rely on the request in determining whether information
34 may be disclosed to the team.

35 (1) An individual or agency that has information governed by
36 this subdivision shall not be required to disclose information. The
37 intent of this subdivision is to allow the voluntary disclosure of
38 information by the individual or agency that has the information.

39 (2) The following information may be disclosed pursuant to this
40 subdivision:

- 1 (A) Notwithstanding Section 56.10 of the Civil Code, medical
2 information.
 - 3 (B) Notwithstanding Section 5328 of the Welfare and
4 Institutions Code, mental health information.
 - 5 (C) Notwithstanding Section 15633.5 of the Welfare and
6 Institutions Code, information from elder abuse reports and
7 investigations, except the identity of persons who have made
8 reports, which shall not be disclosed.
 - 9 (D) Notwithstanding Section 11167.5, information from child
10 abuse reports and investigations, except the identity of persons
11 who have made reports, which shall not be disclosed.
 - 12 (E) State summary criminal history information, criminal
13 offender record information, and local summary criminal history
14 information, as defined in Sections 11075, 11105, and 13300.
 - 15 (F) Notwithstanding Section 11163.2, information pertaining
16 to reports by health practitioners of persons suffering from physical
17 injuries inflicted by means of a firearm or abuse, if reported, and
18 information relating to whether a physician referred the person to
19 local domestic violence services, as recommended by Section
20 11161.
 - 21 (G) Notwithstanding Section 827 of the Welfare and Institutions
22 Code, information in any juvenile court proceeding.
 - 23 (H) Information maintained by the Family Court, including
24 information relating to the Family Conciliation Court Law pursuant
25 to Section 1818 of the Family Code, and Mediation of Custody
26 and Visitation Issues pursuant to Section 3177 of the Family Code.
 - 27 (I) Information provided to probation officers in the course of
28 the performance of their duties, including, but not limited to, the
29 duty to prepare reports pursuant to Section 1203.10, as well as the
30 information on which these reports are based.
 - 31 (J) Notwithstanding Section 10850 of the Welfare and
32 Institutions Code, records of in-home supportive services, unless
33 disclosure is prohibited by federal law.
- 34 (3) The disclosure of written and oral information authorized
35 under this subdivision shall apply notwithstanding Sections 2263,
36 2918, 4982, and 6068 of the Business and Professions Code, or
37 the lawyer-client privilege protected by Article 3 (commencing
38 with Section 950) of Chapter 4 of Division 8 of the Evidence Code,
39 the physician-patient privilege protected by Article 6 (commencing
40 with Section 990) of Chapter 4 of Division 8 of the Evidence Code,

1 the psychotherapist-patient privilege protected by Article 7
2 (commencing with Section 1010) of Chapter 4 of Division 8 of
3 the Evidence Code, the sexual assault counselor-victim privilege
4 protected by Article 8.5 (commencing with Section 1035) of
5 Chapter 4 of Division 8 of the Evidence Code, the domestic
6 violence counselor-victim privilege protected by Article 8.7
7 (commencing with Section 1037) of Chapter 4 of Division 8 of
8 the Evidence Code, and the human trafficking caseworker-victim
9 privilege protected by Article 8.8 (commencing with Section 1038)
10 of Chapter 4 of Division 8 of the Evidence Code.

11 (4) In near-death cases, representatives of domestic violence
12 victim service organizations, as defined in subdivision (b) of
13 Section 1037.1 of the Evidence Code, shall obtain an individual's
14 informed consent in accordance with all applicable state and federal
15 confidentiality laws, before disclosing confidential information
16 about that individual to another team member as specified in this
17 section. In death review cases, representatives of domestic violence
18 victim service organizations shall only provide client-specific
19 information in accordance with both state and federal
20 confidentiality requirements.

21 (5) Near-death case reviews shall only occur after any
22 prosecution has concluded.

23 (6) Near-death survivors shall not be compelled to participate
24 in death review team investigations; their participation is voluntary.
25 In cases of death, the victim's family members may be invited to
26 participate, however they shall not be compelled to do so; their
27 participation is voluntary. Members of the death review teams
28 shall be prepared to provide referrals for services to address the
29 unmet needs of survivors and their families when appropriate.

30 (h) This section shall become operative on January 1, 2025.

31 SEC. 10. No reimbursement is required by this act pursuant
32 to Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within
38 the meaning of Section 6 of Article XIII B of the California
39 Constitution.

- 1
- 2 **REVISIONS:**
- 3 **Heading—Line 2.**
- 4

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AMENDED IN ASSEMBLY MARCH 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1055

Introduced by Assembly Member Bains

February 15, 2023

An act to add Chapter 9.7 (commencing with Section 4450) to Division 2 of the Business and Professions Code, ~~and to amend Section 11833 of the Health and Safety Code~~, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1055, as amended, Bains. Alcohol drug counselors.

Existing law requires the State Department of Health Care Services to license and regulate adult alcoholism or drug abuse recovery or treatment facilities. Existing law also requires the department to require that an individual providing counseling services within a program be certified by a certifying organization approved by the department. ~~Existing law authorizes the department to charge a fee to all programs for licensure or certification by the department, and establishes the Residential and Outpatient Program Licensing Fund to hold these fees.~~

This bill would create, upon appropriation by the Legislature, the Allied Behavioral Health Board within the Department of Consumer Affairs. The bill would require the board to establish regulations and standards for the licensure of alcohol drug counselors, as specified. The bill would authorize the board to collaborate with the Department of Health Care Access and Information regarding behavioral health professions, review sunrise review applications for emerging behavioral health license and certification programs, and refer complaints regarding behavioral health workers to appropriate agencies, as specified. The bill would require an applicant to satisfy certain requirements, including,

among other things, possession of a master’s degree in alcohol and drug counseling or a related counseling master’s degree, as specified. The bill would, commencing 18 months after the board commences approving licenses, impose additional requirements on an applicant, including completion of a supervised practicum from an approved educational institution, and documentation that either the applicant is certified by a certifying organization or the applicant has completed 2,000 hours of postgraduate supervised work experience. The bill would impose requirements related to continuing education and discipline of licensees. The bill would prohibit a person from using the title of “Licensed Alcohol Drug Counselor” unless the person has applied for and obtained a license from the board, and would make a violation of that provision punishable by an administrative penalty not to exceed \$10,000.

The bill would specify that it does not require a person employed or volunteering at an outpatient treatment program or residential treatment facility certified or licensed by the State Department of Health Care Services to be licensed by the board. The bill would require the board to establish fees for licensure, as specified, and would revert all unencumbered funds appropriated from fees in the Residential and Outpatient Program Licensing Fund to the State Department of Health Care Services for the purpose of certification oversight of substance use disorder counselors to that fund. *specified.*

~~Existing law requires, by December 31, 2025, the State Department of Health Care Services to adopt regulations to implement changes made by legislation during the 2021–22 Legislative Session relating to the qualifications and registration or certification of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under state law.~~

~~This bill would instead require the State Department of Health Care Services to adopt those regulations by December 31, 2027.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 9.7 (commencing with Section 4450) is
- 2 added to Division 2 of the Business and Professions Code, to read:

1 CHAPTER 9.7. ALLIED BEHAVIORAL HEALTH BOARD

2
3 Article 1. General Provisions

4
5 4450. (a) “Board” means the Allied Behavioral Health Board.

6 (b) “Certifying organization” means a certifying organization
7 approved by the State Department of Health Care Services pursuant
8 to Chapter 7 (commencing with Section 11830) of Part 2 of
9 Division 10.5 of the Health and Safety Code.

10 (c) “Core functions” means the performance parameters utilized
11 by alcohol drug counselors as established by the International
12 Certification and Reciprocity Consortium and identified in
13 subdivision (a) of Section 4456.

14 (d) “Intern” means an unlicensed person who meets the
15 educational requirements for licensure and is registered with the
16 board.

17 (e) “Licensed Alcohol Drug Counselor” means a person licensed
18 by the board pursuant to this chapter to use the title “Licensed
19 Alcohol Drug Counselor,” conduct an independent practice of
20 alcohol drug counseling, and provide supervision to other alcohol
21 drug counselors.

22 (f) “Trainee” means an unlicensed person who is currently
23 enrolled in a course of education that is designed to qualify the
24 individual for licensure under this chapter and who has completed
25 no less than 12 semester units or 18 quarter units of coursework
26 in a qualifying educational program.

27 4451. (a) There is in the Department of Consumer Affairs the
28 Allied Behavioral Health Board that consists of the following
29 members:

30 (1) Five members appointed by the Governor as follows:

31 (A) Except as provided in subparagraph (B), a member
32 appointed pursuant to this paragraph shall be an alcohol drug
33 counselor licensed pursuant to this chapter and shall have at least
34 five years of experience in their profession.

35 (B) From the commencement of appointments and until licenses
36 for alcohol drug counselors are issued, the Governor shall appoint
37 alcohol and drug addiction counselors certified by a certifying
38 organization.

39 (C) Three of the members appointed by the Governor shall
40 represent each certifying organization. In the event more than three

1 certifying organizations exist, certifying organizations shall rotate
2 on and off of the board according to the date of approval by the
3 State Department of Health Care Services, with the most recent
4 appointed last so as not to exceed three members of the board. In
5 the event less than three certifying organizations exist, one member
6 per organization shall be appointed and the Governor shall appoint
7 any remaining members pursuant to subparagraphs (A) and (B).

8 (2) Five public members who are not licensed pursuant to this
9 chapter or certified by a certifying organization, appointed as
10 follows:

11 (A) Three members appointed by the Governor.

12 (B) One member appointed by the Senate Committee on Rules.

13 (C) One member appointed by the Speaker of the Assembly.

14 (3) One member, appointed by the Governor, who is a licensed
15 physician and surgeon and who specializes in addiction medicine.

16 (b) Each member shall reside in the State of California.

17 (c) Each member of the board shall be appointed for a term of
18 four years. A member shall hold office until the appointment and
19 qualification of their successor or until one year from the expiration
20 date of the term for which they were appointed, whichever occurs
21 first.

22 (d) A vacancy on the board shall be filled by appointment for
23 the unexpired term by the authority who appointed the member
24 whose membership was vacated.

25 (e) On or before June 1 of each calendar year, the board shall
26 elect a chairperson and a vice chairperson from its membership.

27 4452. (a) The board shall appoint an executive officer. This
28 position is designated as a confidential position and is exempt from
29 civil service under subdivision (e) of Section 4 of Article VII of
30 the California Constitution.

31 (b) The executive officer serves at the pleasure of the board.

32 (c) The executive officer shall exercise the powers and perform
33 the duties delegated by the board and vested in them by this
34 chapter.

35 (d) With the approval of the director, the board shall fix the
36 salary of the executive officer.

37 (e) The chairperson and executive officer may call meetings of
38 the board and any duly appointed committee at a specified time
39 and place. For purposes of this section, "call meetings" means

1 setting the agenda, time, date, or place for any meeting of the board
2 or any committee.

3 4452. Subject to the State Civil Service Act (Part 2
4 (commencing with Section 18500) of Division 5 of Title 2 of the
5 Government Code) and except as provided by Sections 155, 156,
6 and 159.5, the board may employ any clerical, technical, and other
7 personnel as it deems necessary to carry out the provisions of this
8 chapter, within budget limitations.

9 4453. The board shall keep an accurate record of all of its
10 proceedings and a record of all applicants for licensure and all
11 individuals to whom it has issued a license.

12 4454. The duty of administering and enforcing this chapter is
13 vested in the board and the executive officer subject to, and under
14 the direction of, the board. In the performance of this duty, the
15 board and the executive officer have all the powers and are subject
16 to all the responsibilities vested in, and imposed upon, the head of
17 a department by Chapter 2 (commencing with Section 11150) of
18 Part 1 of Division 3 of Title 2 of the Government Code.

19 4455. (a) In order to carry out the provisions of this chapter,
20 the board shall do, but shall not be limited to, all of the following:

21 (1) Adopt rules and regulations to implement this ~~chapter~~
22 *chapter on or before December 31, 2027.*

23 (2) Issue licenses and register interns and trainees.

24 (3) Establish procedures for the receipt, investigation, and
25 resolution of complaints against licensees, interns, and trainees.

26 (4) Take disciplinary action against a licensee, intern, or trainee
27 where appropriate, including, but not limited to, censure or
28 reprimand, probation, suspension, or revocation of the license or
29 registration, or imposition of fines or fees.

30 (5) Establish continuing education requirements for licensees.

31 (6) Establish criteria to determine whether the curriculum of an
32 educational institution satisfies the licensure requirements imposed
33 by this chapter.

34 (7) Select one or more license examinations to qualify applicants
35 for licensure.

36 (8) Establish parameters of unprofessional conduct for licensees
37 that are consistent with generally accepted ethics codes for the
38 profession.

39 (9) Establish reinstatement procedures for an expired or revoked
40 license.

1 (10) Establish supervisory requirements for interns.

2 (11) Establish a process for approving supervised work
3 experience hours earned by applicants that were obtained while
4 certified by an approved certification organization, prior to
5 completion of a master's degree.

6 (12) Align licensure requirements to the Substance Abuse and
7 Mental Health Services Administration's career ladder for
8 substance use disorder counselors.

9 (13) Establish procedures for approving reciprocity for licenses
10 obtained in other states or nations.

11 (b) The board may perform the following activities:

12 (1) Collaborate with the Department of Health Care Access and
13 Information concerning workforce development strategies that
14 impact behavioral health professions.

15 (2) Assist the relevant committee in reviewing and making
16 determinations regarding sunrise review applications, pursuant to
17 Article 8 (commencing with Section 9148) of Chapter 1.5 of Part
18 1 of Division 2 of Title 2 of the Government Code, for emerging
19 behavioral health license or certification programs.

20 (3) Refer complaints about licensed and certified behavioral
21 health workers to appropriate agencies and private organizations
22 and catalog complaints about unlicensed behavioral health workers.

23 (c) The board shall consult the public, especially people in
24 recovery, providers of substance use disorder services, and
25 organizations that certify substance use disorder counselors before
26 adopting regulations and standards pursuant to subdivision (a).

27 4456. (a) A licensee may engage in the practice of alcohol and
28 drug counseling. For purposes of this chapter, the "practice of
29 alcohol and drug counseling" means performing any of the
30 following 12 core functions for the purpose of treating substance
31 use disorder:

32 (1) Screening. The process by which a client is determined to
33 be eligible for admission to a particular alcohol and drug treatment
34 program.

35 (2) Initial Intake. The administrative and initial assessment
36 procedures for admission to an alcohol and drug treatment program.
37 Assessment shall not include psychological testing intended to
38 measure or diagnose mental illness.

39 (3) Orientation. Describing to the client the general nature and
40 goals of the alcohol and drug treatment program, including rules

1 governing client conduct and infractions that can lead to
2 disciplinary action or discharge from the program.

3 (4) Alcohol and drug counseling, including individual, group,
4 and significant others. The utilization of special skills to assist
5 individuals, families, or groups in achieving objectives through
6 exploration of a problem and its ramifications, examination of
7 attitudes and feelings, considerations of alternative solutions, and
8 decisionmaking as each relates to substance abuse. Counseling
9 shall be limited to assisting a client in learning more about
10 themselves for the purposes of understanding how to effectuate
11 clearly perceived, realistically defined goals related to abstinence.
12 Counseling is limited to assisting the client to learn or acquire new
13 skills that will enable the client to cope and adjust to life situations
14 without the use of substances.

15 (5) Case management. Activities that bring services, agencies,
16 resources, or individuals together within a planned framework of
17 action toward achievement of established goals. It may involve
18 liaison activities and collateral contacts.

19 (6) Crisis intervention. Those services that respond to an alcohol
20 or drug abuser's needs during acute emotional or physical distress.

21 (7) Assessment. Those procedures by which a counselor or
22 program identifies and evaluates an individual's strengths,
23 weaknesses, problems, and needs for the development of the
24 alcohol and drug treatment plan.

25 (8) Treatment planning. The process by which the counselor
26 and the client identify and rank problems needing resolution,
27 establish agreed-upon immediate and long-term goals, and decide
28 on a treatment process and the resources to be utilized.

29 (9) Client education. Providing information to individuals and
30 groups concerning alcohol and other drugs of abuse and the
31 services and resources available.

32 (10) Referral. Identifying the needs of the client that cannot be
33 met by the counselor or agency, as well as assisting the client in
34 utilizing the support systems and community resources available.

35 (11) Reports and recordkeeping. Documenting the client's
36 progress in achieving the client's goals.

37 (12) Consultation with other professionals in regard to client
38 treatment or services. Communicating with other professionals to
39 ensure comprehensive, quality care for the client.

1 (b) Unless otherwise licensed, a licensee may perform the acts
2 listed in this section only for the purpose of treating a substance
3 use disorder.

4 (c) This section shall not be construed to constrict or limit a
5 person duly licensed by the Medical Practice Act (Chapter 5
6 (commencing with Section 2000)), the Nursing Practice Act
7 (Chapter 6 (commencing with Section 2700)), the Psychology
8 Licensing Law (Chapter 6.6 (commencing with Section 2900)),
9 the Licensed Marriage and Family Therapist Act (Chapter 13
10 (commencing with Section 4980)), or the Clinical Social Worker
11 Practice Act (Chapter 14 (commencing with Section 4991)) from
12 providing a core function, provided the individual does not use
13 the title “Licensed Alcohol Drug Counselor.”

14

15 Article 2. Licensure

16

17 4457. (a) For a period not to exceed 18 months from the time
18 the board commences issuing licenses, the board may issue an
19 alcohol drug counselor license if the applicant satisfies the
20 following requirements:

- 21 (1) Completion of an application for a license.
- 22 (2) Payment of the fees prescribed by the board.
- 23 (3) Possession of a master’s degree in alcohol and drug
24 counseling or related counseling master’s degree that meets the
25 board’s requirements to sit for an exam described in paragraph
26 (4).
- 27 (4) Passing the International Certification and Reciprocity
28 Consortium Advanced Alcohol and Other Drug Abuse Counselor
29 written examination, the National Certification Commission for
30 Addiction Professionals Master of Addiction Counseling written
31 examination, or another equivalent examination, as determined by
32 the board.

33 (b) No later than 18 months from the time the board commences
34 approving licenses, the board may issue an alcohol drug counselor
35 license if the applicant satisfies the following requirements:

- 36 (1) Completion of an application for a license.
- 37 (2) Payment of the fees prescribed by the board.
- 38 (3) Documentation of both of the following:
39 (A) Possession of a master’s degree in alcohol and drug
40 counseling or related counseling master’s degree obtained from a

1 school, college, or university that, at the time the degree was
2 conferred, was approved by the board and was accredited by the
3 Western Association of Schools and Colleges or a nationally
4 accredited learning institution approved by the board.

5 (B) The master's degree required pursuant to subparagraph (A)
6 or the master's degree and additional coursework include at least
7 315 hours of core education in alcohol drug counseling that aligns
8 with national standards of competence approved by the board.

9 (4) Completion of a supervised practicum from an educational
10 institution approved by the board.

11 (5) Passing a written examination approved by the board.

12 (6) Documentation of either of the following:

13 (A) The applicant, at the time of application, is certified by a
14 certifying organization.

15 (B) The applicant has completed 2,000 hours of postgraduate
16 supervised work experience.

17 4458. A licensee shall attest to the board every two years, on
18 a form prescribed by the board, that they have completed
19 continuing education coursework that is offered by a
20 board-approved provider and that is in or relevant to the field of
21 alcohol drug counseling. The board may require licensees to take
22 specific coursework, including, but not limited to, coursework
23 concerning supervisory training, as a condition of license renewal.

24 (a) The board may audit the records of a licensee to verify the
25 completion of the continuing education requirement.

26 (b) A licensee shall maintain records of completion of required
27 continuing education coursework for a minimum of five years and
28 shall make these records available to the board for auditing
29 purposes upon request.

30 (c) An attestation made pursuant to this section shall not be
31 subject to penalty of perjury.

32 4459. The board shall renew an unexpired license of a licensee
33 who meets the following qualifications:

34 (a) The licensee has applied for renewal on a form prescribed
35 by the board and paid the required renewal fee.

36 (b) The licensee attests compliance with continuing education
37 requirements pursuant to Section 4458. An attestation made
38 pursuant to this subdivision shall not be subject to penalty of
39 perjury.

1 (c) The licensee has notified the board whether they have been
2 subject to, or whether another board has taken, disciplinary action
3 since the last renewal.

4 4460. The board may renew an expired license of a former
5 licensee who meets the following qualifications:

6 (a) The former licensee has applied for renewal on a form
7 prescribed by the board within three years of the expiration date
8 of the license.

9 (b) The former licensee has paid the renewal fees that would
10 have been paid if the license had not been delinquent.

11 (c) The former licensee has paid all delinquency fees.

12 (d) The former licensee attests compliance with continuing
13 education requirements, including for the time the license was
14 expired. An attestation made pursuant to this subdivision shall not
15 be subject to penalty of perjury.

16 (e) The former licensee notifies the board whether they have
17 been subject to, or whether another board has taken, disciplinary
18 action against the former licensee since the last renewal.

19 4461. (a) A license that is not renewed within three years after
20 its expiration may not be renewed, restored, reinstated, or reissued
21 thereafter, but the former licensee may apply for and obtain a new
22 license if all of the following are satisfied:

23 (1) No fact, circumstance, or condition exists that, if the license
24 were issued, would justify its revocation or suspension.

25 (2) The former licensee pays the fees that would be required if
26 they were applying for a license for the first time.

27 (3) The former licensee meets the corresponding requirements
28 for licensure as a licensed alcohol drug counselor at the time of
29 application.

30 (b) A suspended license is subject to expiration and may be
31 renewed as provided in this article, but the renewal does not entitle
32 the licensee, while it remains suspended and until it is reinstated,
33 to engage in the activity for which the license related, or in any
34 other activity or conduct in violation of the order or judgment by
35 which it was suspended.

36 (c) A revoked license is subject to expiration, but it may not be
37 renewed. If it is reinstated after its expiration, the licensee shall,
38 as a condition precedent to its reinstatement, pay a reinstatement
39 fee in an amount equal to the renewal fee in effect on the last

1 regular renewal date before the date on which it is reinstated, plus
2 the delinquency fee, if any, accrued at the time of its revocation.

3 4462. (a) A licensed alcohol drug counselor may apply to the
4 board to request that their license be placed on inactive status. A
5 licensee who holds an inactive license shall pay a biennial fee of
6 one-half of the active renewal fee and shall be exempt from
7 continuing education requirements, but shall otherwise be subject
8 to this chapter and shall not engage in the practice of alcohol drug
9 counseling in this state.

10 (b) A licensee on inactive status who has not committed any
11 acts or crimes constituting grounds for denial of licensure may,
12 upon their request, have their license placed on active status. A
13 licensee requesting their license to be placed on active status at
14 any time between a renewal cycle shall pay one-half of the renewal
15 fee.

16

17 Article 3. Enforcement

18

19 4463. (a) Before issuing a license pursuant to Section 4457,
20 the board shall review the state, national, and federal criminal
21 history of the applicant.

22 (b) (1) (A) The board shall deny, suspend, delay, or set aside
23 a person's license application if, at the time of the board's
24 determination, the person has a criminal conviction or criminal
25 charge pending, relating to an offense for which the circumstances
26 substantially relate to actions as a licensed alcohol and drug
27 counselor.

28 (B) An applicant who has a criminal conviction or pending
29 criminal charge shall request the appropriate authorities to provide
30 information about the conviction or charge directly to the board
31 in sufficient specificity to enable the board to make a determination
32 as to whether the conviction or charge is substantially related to
33 actions as a licensed alcohol and drug counselor.

34 (2) After a hearing or review of documentation demonstrating
35 that the applicant meets all of the following criteria for a waiver,
36 the board may waive the requirements of this subdivision:

37 (A) Either of the following:

38 (i) For waiver of a felony conviction, more than five years has
39 elapsed since the date of the conviction, and at the time of the
40 application, the applicant is not incarcerated, on work release, on

1 probation, on parole, on postrelease community supervision, or
2 serving any part of a suspended sentence and the applicant is in
3 substantial compliance with all court orders pertaining to fines,
4 restitution, or community service.

5 (ii) For waiver of a misdemeanor conviction or violation, at the
6 time of the application, the applicant is not incarcerated, on work
7 release, on probation, on parole, on postrelease community
8 supervision, or serving any part of a suspended sentence and the
9 applicant is in substantial compliance with all court orders
10 pertaining to fines, restitution, or community service.

11 (B) The applicant is capable of practicing licensed alcohol and
12 drug treatment counselor services in a competent and professional
13 manner.

14 (C) Granting the waiver will not endanger the public health,
15 safety, or welfare.

16 (3) A past criminal conviction shall not serve as an automatic
17 exclusion for licensure. The board shall evaluate the circumstances
18 leading to conviction and determine if the person meets the
19 conditions in subparagraphs (B) and (C) of paragraph (2) in
20 determining approval or denial of the application.

21 4464. (a) A person shall not use the title of “Licensed Alcohol
22 Drug Counselor” unless the person has applied for and obtained
23 a license from the board pursuant to Section 4457.

24 (b) A violation of subdivision (a) shall be punishable by an
25 administrative penalty not to exceed ten thousand dollars (\$10,000).

26 4465. (a) This chapter does not constrict, limit, or withdraw
27 the Medical Practice Act (Chapter 5 (commencing with Section
28 2000)), the Nursing Practice Act (Chapter 6 (commencing with
29 Section 2700)), the Psychology Licensing Law (Chapter 6.6
30 (commencing with Section 2900)), the Licensed Marriage and
31 Family Therapist Act (Chapter 13 (commencing with Section
32 4980)), or the Clinical Social Worker Practice Act (Chapter 14
33 (commencing with Section 4991)).

34 (b) This chapter does not require a person employed or
35 volunteering at a certified outpatient treatment program or licensed
36 residential treatment facility to obtain a license.

37 (c) A licensee shall display their license in a conspicuous place
38 in the licensee’s primary place of practice.

39 (d) A licensed alcohol and drug counselor who conducts a
40 private practice under a fictitious business name shall not use any

1 name that is false, misleading, or deceptive and shall inform the
2 patient, prior to the commencement of treatment, of the name and
3 license designation of the owner or owners of the practice.

4 (e) A licensee or registrant shall give written notice to the board
5 of a name change within 30 days after each change, giving both
6 the old and new names. A copy of the legal document authorizing
7 the name change, such as a court order or marriage certificate,
8 shall be submitted with the notice.

9 4466. The board may refuse to issue a registration or license,
10 or may suspend or revoke the license or registration of any
11 registrant or licensee, if the applicant, licensee, or registrant has
12 been guilty of unprofessional conduct. Unprofessional conduct
13 shall include, but not be limited to, all of the following:

14 (a) The conviction of a crime substantially related to the
15 qualifications, functions, or duties of a licensee or registrant under
16 this chapter. The record of conviction shall be conclusive evidence
17 only of the fact that the conviction occurred. The board may inquire
18 into the circumstances surrounding the commission of the crime
19 in order to fix the degree of discipline or to determine if the
20 conviction is substantially related to the qualifications, functions,
21 or duties of a licensee or registrant under this chapter. A plea or
22 verdict of guilty or a conviction following a plea of nolo contendere
23 made to a charge substantially related to the qualifications,
24 functions, or duties of a licensee or registrant under this chapter
25 shall be deemed to be a conviction within the meaning of this
26 section. The board may order any license or registration suspended
27 or revoked, or may decline to issue a license or registration when
28 the time for appeal has elapsed or the judgment of conviction has
29 been affirmed on appeal, or when an order granting probation is
30 made suspending the imposition of sentence, irrespective of a
31 subsequent order under Section 1203.4 of the Penal Code allowing
32 the person to withdraw a plea of guilty and enter a plea of not
33 guilty, or setting aside the verdict of guilty, or dismissing the
34 accusation, information, or indictment.

35 (b) Securing a license or registration by fraud, deceit, or
36 misrepresentation on any application for licensure or registration
37 submitted to the board, whether engaged in by an applicant for a
38 license or registration, or by a licensee in support of any application
39 for licensure or registration.

1 (c) Administering to themselves any controlled substance or
2 using any of the dangerous drugs specified in Section 4022, or any
3 alcoholic beverage to the extent, or in a manner, as to be dangerous
4 or injurious to the person applying for a registration or license or
5 holding a registration or license under this chapter, or to any other
6 person, or to the public, or, to the extent that the use impairs the
7 ability of the person applying for or holding a registration or license
8 to conduct with safety to the public the practice authorized by the
9 registration or license, or the conviction of more than one
10 misdemeanor or any felony involving the use, consumption, or
11 self-administration of a substance referred to in this subdivision
12 after becoming licensed. The board shall deny an application for
13 a registration or license or revoke the license or registration of a
14 person who uses or offers to use drugs in the course of performing
15 alcoholism and drug abuse counseling services.

16 (d) Gross negligence or incompetence in the performance of
17 alcoholism and drug abuse counseling services.

18 (e) Violating, attempting to violate, or conspiring to violate this
19 chapter or a regulation adopted by the board.

20 (f) Misrepresentation as to the type or status of a license or
21 registration held by the person, or otherwise misrepresenting or
22 permitting misrepresentation of their education, professional
23 qualifications, or professional affiliations to a person or entity.

24 (g) Impersonation of another by a licensee, registrant, or
25 applicant for a license or registration, or, in the case of a licensee,
26 allowing any other person to use their license or registration.

27 (h) Aiding or abetting, or employing, directly or indirectly, an
28 unlicensed or unregistered person to engage in conduct for which
29 a license or registration is required under this chapter.

30 (i) Intentionally or recklessly causing physical or emotional
31 harm to a client.

32 (j) The commission of any dishonest, corrupt, or fraudulent act
33 substantially related to the qualifications, functions, or duties of a
34 licensee or registrant.

35 (k) Engaging in sexual relations with a client, or a former client
36 within two years following termination of services, soliciting sexual
37 relations with a client, or committing an act of sexual abuse, or
38 sexual misconduct with a client, or committing an act punishable
39 as a sexually related crime, if that act or solicitation is substantially

1 related to the qualifications, functions, or duties of an alcoholism
2 and drug abuse counselor.

3 (l) Failure to maintain confidentiality, except as otherwise
4 required or permitted by law, of all information that has been
5 received from a client in confidence during the course of treatment
6 and all information about the client that is obtained from tests or
7 other means.

8 (m) Before the commencement of treatment, failing to disclose
9 to the client or prospective client the fee to be charged for the
10 professional services, or the basis upon which that fee will be
11 computed.

12 (n) Paying, accepting, or soliciting consideration, compensation,
13 or remuneration, whether monetary or otherwise, for the referral
14 of professional clients. All consideration, compensation, or
15 remuneration shall be in relation to professional counseling services
16 actually provided by the licensee. Nothing in this subdivision shall
17 prevent collaboration among two or more licensees in a case or
18 cases. However, a fee shall not be charged for that collaboration,
19 except when disclosure of the fee has been made in compliance
20 with subdivision (n).

21 (o) Advertising in a manner that is false, misleading, or
22 deceptive.

23 (p) Conduct in the supervision of a registered intern by a licensee
24 that violates this chapter or rules or regulations adopted by the
25 board.

26 (q) Performing or holding oneself out as being able to perform
27 professional services beyond the scope of one's competence, as
28 established by one's education, training, or experience. This
29 subdivision shall not be construed to expand the scope of the
30 license authorized by this chapter.

31 (r) Permitting a registered intern, trainee, or applicant for
32 licensure under one's supervision or control to perform, or
33 permitting the registered intern, trainee, or applicant for licensure
34 to hold themselves out as competent to perform, professional
35 services beyond the registered intern's, trainee's, or applicant for
36 licensure's level of education, training, or experience.

37 (s) The violation of a statute or regulation governing the training,
38 supervision, or experience required by this chapter.

1 (t) Failure to maintain records consistent with sound clinical
2 judgment, the standards of the profession, and the nature of the
3 services being rendered.

4 (u) Failure to comply with the child abuse reporting
5 requirements of Section 11166 of the Penal Code.

6 (v) Failure to comply with the elder and dependent adult abuse
7 reporting requirements of Section 15630 of the Welfare and
8 Institutions Code.

9 (w) Willful violation of Chapter 1 (commencing with Section
10 123100) of Part 1 of Division 106 of the Health and Safety Code.

11 4467. The board may deny an application, or may suspend or
12 revoke a license or registration issued under this chapter, for any
13 of the following:

14 (a) Denial of licensure, revocation, suspension, restriction, or
15 any other disciplinary action imposed by another state or territory
16 or possession of the United States, or by any other governmental
17 agency, on a license, certificate, or registration to practice
18 alcoholism and drug abuse counseling, or any other healing art,
19 shall constitute unprofessional conduct. A certified copy of the
20 disciplinary action decision or judgment shall be conclusive
21 evidence of that action.

22 (b) Revocation, suspension, or restriction by the board of a
23 license, certificate, or registration to practice as a marriage and
24 family therapist, clinical social worker, or educational psychologist
25 shall also constitute grounds for disciplinary action for
26 unprofessional conduct against the licensee or registrant under this
27 chapter.

28 (c) Written documentation from the State Department of Health
29 Care Services demonstrating that the department has ruled that a
30 certification should be revoked by a private certifying organization.

31 4468. The board shall revoke a license issued under this chapter
32 upon a decision made in accordance with the procedures set forth
33 in Chapter 5 (commencing with Section 11500) of Part 1 of
34 Division 3 of Title 2 of the Government Code that contains any
35 finding of fact that the licensee or registrant engaged in any act of
36 sexual contact, as defined in Section 729, when that act is with a
37 patient, or with a former patient when the relationship was
38 terminated primarily for the purpose of engaging in that act. The
39 revocation shall not be stayed by the administrative law judge or
40 the board.

1 4469. The proceedings conducted under this article shall be
2 held in accordance with Chapter 5 (commencing with Section
3 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

4
5 Article 4. Revenue
6

7 4470. ~~(a)~~ The board may establish fees for licensure under this
8 chapter. The total amount of fees collected pursuant to this chapter
9 shall not exceed the reasonable regulatory cost to the board for
10 administering this chapter. The license fee for an original license
11 and license renewal shall not exceed two hundred dollars (\$200)
12 for the first 10 years of operation or until the board is self-funded,
13 whichever is later.

14 ~~(b) All unencumbered funds appropriated from licensing or~~
15 ~~certification fees in the Residential and Outpatient Program~~
16 ~~Licensing Fund to the State Department of Health Care Services~~
17 ~~for the purpose of certification oversight of substance use disorder~~
18 ~~counselors are hereby reverted to the fund.~~

19
20 Article 5. Operation
21

22 4471. This chapter shall become operative upon the
23 appropriation by the Legislature of funds allocated to the state
24 from any of the following:

25 (a) Current or future substance use disorder workforce expansion
26 funds received by the Department of Health Care Access and
27 Information.

28 (b) Current or future substance use disorder workforce expansion
29 funds received by the State Department of Health Care Services.

30 (c) Current or future allocations from the Opioid Settlement
31 Fund.

32 (d) State opioid response grant funding.

33 (e) Other funding provided to the state to address addiction and
34 overdose.

35 (f) Adult use of marijuana funding.

36 ~~SEC. 2. Section 11833 of the Health and Safety Code is~~
37 ~~amended to read:~~

38 ~~11833. (a) The department shall have the sole authority in~~
39 ~~state government to determine the qualifications, including the~~
40 ~~appropriate skills, education, training, and experience, of personnel~~

1 working within alcoholism or drug abuse recovery and treatment
2 programs licensed, certified, or funded under this part.

3 ~~(b) (1) The department shall determine the required core~~
4 ~~competencies for registered and certified counselors working within~~
5 ~~an alcoholism or drug abuse recovery and treatment program~~
6 ~~described in subdivision (a). The department shall consult with~~
7 ~~affected stakeholders in developing these requirements.~~

8 ~~(2) Core competencies shall include all of the following~~
9 ~~elements:~~

10 ~~(A) Knowledge of the current Diagnostic and Statistical Manual~~
11 ~~of Mental Disorders.~~

12 ~~(B) Knowledge of the American Society of Addiction Medicine~~
13 ~~(ASAM) criteria and continuum of ASAM levels of care, or other~~
14 ~~similar criteria and standards as approved by the department.~~

15 ~~(C) Cultural competence, including for people with disabilities,~~
16 ~~and its implication for treatment.~~

17 ~~(D) Case management.~~

18 ~~(E) Utilization of electronic health records systems.~~

19 ~~(F) Knowledge of medications for addiction treatment.~~

20 ~~(G) Clinical documentation.~~

21 ~~(H) Knowledge of cooccurring substance use and mental health~~
22 ~~conditions.~~

23 ~~(I) Confidentiality.~~

24 ~~(J) Knowledge of relevant law and ethics.~~

25 ~~(K) Understanding and practicing professional boundaries.~~

26 ~~(L) Delivery of services in the behavioral health delivery system.~~

27 ~~(3) Core competency requirements described in paragraph (2)~~
28 ~~shall align with national certification domains and competency~~
29 ~~exams. The hours completed for the core competency requirements~~
30 ~~under paragraph (2) shall count toward the education requirements~~
31 ~~for substance use disorder counselor certification.~~

32 ~~(4) Hour requirements for registered counselors shall not be~~
33 ~~lower than the hour requirements approved by the department for~~
34 ~~certified peer support specialists.~~

35 ~~(5) Counselors shall have six months from the time of~~
36 ~~registration to complete the core competency requirements under~~
37 ~~paragraph (2). A counselor shall provide to the certifying~~
38 ~~organization that they are registered with proof of completion of~~
39 ~~the required hours within that timeframe.~~

1 ~~(6) The department shall not implement the core competency~~
2 ~~requirements described in paragraph (2) for registered and certified~~
3 ~~counselors registering or certifying with a state-approved substance~~
4 ~~use disorder counselor certifying organization before July 1, 2025.~~

5 ~~(7) Counselors in good standing that registered with a~~
6 ~~state-approved substance use disorder counselor certifying~~
7 ~~organization prior to July 1, 2025, are exempt from the~~
8 ~~requirements detailed in paragraph (4).~~

9 ~~(8) For the purposes of this subdivision, “in good standing”~~
10 ~~means registrants with an active registration status.~~

11 ~~(9) Counselors in good standing that are registered with a~~
12 ~~state-approved substance use disorder counselor certifying~~
13 ~~organization and have a master’s degree in psychology, social~~
14 ~~work, marriage and family therapy, or counseling are exempt from~~
15 ~~the core competency requirements in paragraph (2).~~

16 ~~(10) The department shall not specify and implement the hour~~
17 ~~requirements pursuant to paragraph (4) before July 1, 2025.~~

18 ~~(e) (1) Except as set forth in subdivision (d), an individual~~
19 ~~providing counseling services working within a program described~~
20 ~~in subdivision (a) shall be registered with, or certified by, a~~
21 ~~certifying organization approved by the department to register and~~
22 ~~certify counselors.~~

23 ~~(2) The department shall not approve a certifying organization~~
24 ~~that does not, prior to registering or certifying an individual, contact~~
25 ~~other department-approved certifying organizations to determine~~
26 ~~whether the individual has ever had their registration or~~
27 ~~certification revoked or has been removed from a postgraduate~~
28 ~~practicum for an ethical or professional violation.~~

29 ~~(d) (1) The following individuals are exempt from the~~
30 ~~requirement in paragraph (1) of subdivision (e) to be registered or~~
31 ~~certified by a department-approved certifying organization:~~

32 ~~(A) A graduate student affiliated with university programs in~~
33 ~~psychology, social work, marriage and family therapy, or~~
34 ~~counseling, who is completing their supervised practicum hours~~
35 ~~to meet postgraduate requirements.~~

36 ~~(B) An associate registered with the Board of Behavioral~~
37 ~~Sciences.~~

38 ~~(C) A licensed professional, as defined by the department.~~

39 ~~(2) A program providing practicum for graduate students~~
40 ~~exempted from registration or certification in paragraph (1) shall~~

1 notify department-approved certifying organizations if a graduate
2 student is removed from the practicum as a result of an ethical or
3 professional conduct violation, as determined by either the
4 university or the program.
5 (e) If a counselor's registration or certification has been
6 previously revoked or the individual has been removed from a
7 postgraduate practicum for an ethical or professional conduct
8 violation, the certifying organization shall deny the request for
9 registration and shall send the counselor a written notice of denial.
10 The notice shall specify the counselor's right to appeal the denial
11 in accordance with applicable statutes and regulations.
12 (f) The department shall have the authority to conduct periodic
13 reviews of certifying organizations to determine compliance with
14 all applicable laws and regulations, including subdivision (e), and
15 to take actions for noncompliance, including revocation of the
16 department's approval.
17 (g) (1) Notwithstanding Chapter 3.5 (commencing with Section
18 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
19 the department, without taking any further regulatory action, shall
20 implement, interpret, or make specific the changes made to this
21 section in the 2021-22 Legislative Session by means of all-county
22 letters, plan letters, plan or provider bulletins, or similar
23 instructions.
24 (2) The department shall adopt regulations by December 31,
25 2027, in accordance with the requirements of Chapter 3.5
26 (commencing with Section 11340) of Part 1 of Division 3 of Title
27 2 of the Government Code.

O

AMENDED IN ASSEMBLY APRIL 12, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1707

Introduced by Assembly Member Pacheco

February 17, 2023

An act to add Sections 805.9 and 850.1 to the Business and Professions Code, and to add Sections 1220.1 and 1265.11 to the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1707, as amended, Pacheco. Health professionals and facilities: adverse actions based on another state's law.

Existing law establishes various boards within the Department of Consumer Affairs to license and regulate various health professionals. Existing law prohibits the Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, and the Physician Assistant Board from denying an application for licensure or suspending, revoking, or otherwise imposing discipline upon a licensee because the person was disciplined in another state in which they are licensed solely for performing an abortion in that state or because the person was convicted in another state for an offense related solely to performing an abortion in that state.

Existing law provides for the licensure of clinics and health facilities by the Licensing and Certification Division of the State Department of Public Health. Existing law makes a violation of these provisions punishable as a misdemeanor, except as specified.

This bill would prohibit a healing arts board under the Department of Consumer Affairs from denying an application for a license or imposing discipline upon a licensee ~~solely~~ on the basis of a civil judgment, criminal conviction, or disciplinary action in another state that is based on the application of another state’s law that interferes with a person’s right to receive ~~care~~ *sensitive services, as defined*, that would be lawful in this state. The bill would similarly prohibit a health facility from denying staff privileges to, removing from medical staff, or restricting the staff privileges of a licensed health professional ~~solely~~ on the basis of such a civil judgment, criminal conviction, or disciplinary action imposed by another state. The bill also would also prohibit the denial, suspension, revocation, or limitation of a clinic or health facility license ~~solely~~ on the basis of those types of civil judgments, criminal convictions, or disciplinary actions imposed by another state. The bill would exempt from the above-specified provisions a civil judgment, criminal conviction, or disciplinary action imposed by another state for which a similar claim, charge, or action would exist against the applicant or licensee under the laws of this state. By imposing new prohibitions under the provisions related to clinics and health facilities, the violation of which is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 805.9 is added to the Business and
- 2 Professions Code, to read:
- 3 805.9. (a) A health facility licensed pursuant to Chapter 2
- 4 (commencing with Section 1250) of Division 2 of the Health and
- 5 Safety Code shall not deny staff privileges to, remove from medical
- 6 staff, or restrict the staff privileges ~~of,~~ *of* a person licensed by a
- 7 healing arts board in this state ~~solely~~ on the basis of a civil
- 8 judgment, criminal conviction, or disciplinary action imposed by
- 9 another state if that judgment, conviction, or disciplinary action

1 is based solely on the application of another state’s law that
2 interferes with a person’s right to receive ~~care~~ *sensitive services*
3 that would be lawful if provided in this state.

4 (b) This section does not apply to a civil judgment, criminal
5 conviction, or disciplinary action imposed in another state for
6 which a similar claim, charge, or action would exist against the
7 licensee under the laws of this state.

8 (c) For purposes of this ~~section~~, *“healing section”*:

9 (1) *“Healing arts board”* means any board, division, or
10 examining committee in the Department of Consumer Affairs that
11 licenses or certifies health professionals.

12 (2) *“Sensitive services”* has the same meaning as in Section
13 56.05 of the Civil Code.

14 SEC. 2. Section 850.1 is added to the Business and Professions
15 Code, to read:

16 850.1. (a) A healing arts board shall not deny an application
17 for licensure or suspend, revoke, or otherwise impose discipline
18 upon a licensee ~~solely~~ on the basis of a civil judgment, criminal
19 conviction, or disciplinary action in another state if that judgment,
20 conviction, or disciplinary action is based solely on the application
21 of another state’s law that interferes with a person’s right to receive
22 care that would be lawful if provided in this state.

23 (b) This section does not apply to a civil judgment, criminal
24 conviction, or disciplinary action imposed in another state for
25 which a similar claim, charge, or action would exist against the
26 applicant or licensee under the laws of this state.

27 (c) For purposes of this ~~section~~, *“healing section”*:

28 (1) *“Healing arts board”* means any board, division, or
29 examining committee in the Department of Consumer Affairs that
30 licenses or certifies health professionals.

31 (2) *“Sensitive services”* has the same meaning as in Section
32 56.05 of the Civil Code.

33 SEC. 3. Section 1220.1 is added to the Health and Safety Code,
34 to read:

35 1220.1. (a) An application for licensure made pursuant to this
36 chapter shall not be denied, nor shall any license issued pursuant
37 to this chapter be suspended, revoked, or otherwise limited, ~~solely~~
38 on the basis of a civil judgment, criminal conviction, or disciplinary
39 action imposed by another state if that judgment, conviction, or
40 disciplinary action is based solely on the application of another

1 state’s law that interferes with a person’s right to receive ~~care~~
2 *sensitive services* that would be lawful if provided in this state.

3 (b) This section does not apply to a civil judgment, criminal
4 conviction, or disciplinary action imposed by another state for
5 which a similar claim, charge, or action would exist against the
6 applicant or licensee under the laws of this state.

7 (c) *For purposes of this section, “sensitive services” has the*
8 *same meaning as in Section 56.05 of the Civil Code.*

9 SEC. 4. Section 1265.11 is added to the Health and Safety
10 Code, to read:

11 1265.11. (a) An application for licensure made pursuant to
12 this chapter shall not be denied, nor shall any license issued
13 pursuant to this chapter be suspended, revoked, or otherwise
14 limited, ~~solely~~ on the basis of a civil judgment, criminal conviction,
15 or disciplinary action imposed by another state if that judgment,
16 conviction, or disciplinary action is based solely on the application
17 of another state’s law that interferes with a person’s right to receive
18 ~~care~~ *sensitive services* that would be lawful if provided in this
19 state.

20 (b) This section does not apply to a civil judgment, criminal
21 conviction, or disciplinary action imposed by another state for
22 which a similar claim, charge, or action would exist against the
23 applicant or licensee under the laws of this state.

24 (c) *For purposes of this section, “sensitive services” has the*
25 *same meaning as in Section 56.05 of the Civil Code.*

26 SEC. 5. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

O

Introduced by Senator Seyarto

(Principal coauthor: Assembly Member Alanis)

(Coauthor: Senator Niello)

(Coauthors: Assembly Members Chen, Megan Dahle, and Mathis)

January 30, 2023

An act to add Section 9796 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 259, as introduced, Seyarto. Reports submitted to legislative committees.

Existing law requires a state agency that is required or requested by law to submit a report to the Members of either house of the Legislature generally to submit the report in a specified manner and to post the report on the state agency's internet website.

This bill would additionally require a state agency to post on its internet website any report, as defined, that the state agency submits to a committee of the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9796 is added to the Government Code,
- 2 to read:
- 3 9796. (a) A state agency shall post on its internet website any
- 4 report that the state agency submits to a committee of the
- 5 Legislature.

- 1 (b) For purposes of this section, “report” includes a study, audit,
- 2 or any report identified in the Legislative Analyst’s Supplemental
- 3 Report of the Budget Act.

O

Introduced by Senator Niello

February 1, 2023

An act to amend Section 11346.3 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 279, as amended, Niello. Administrative regulations: public participation: *participation: comment process.*

Existing law, the Administrative Procedure Act, sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. *The act prohibits a state agency from issuing, utilizing, enforcing, or attempting to enforce any guideline, standard of general application, or other rule that is a regulation, as defined, unless it has been adopted as a regulation and filed with the Secretary of State. The act further requires every agency subject to the act to submit to the Office of Administrative Law a notice of proposed action and to make available to the public a copy of an initial statement of reasons for the regulation.* Existing

Existing law additionally requires a state agency proposing to adopt, amend, or repeal an administrative regulation to assess the potential for adverse economic impact on California business enterprises and individuals, avoiding the imposition of unnecessary or unreasonable regulations or reporting, recordkeeping, or compliance requirements, as specified. *Each state agency proposing to adopt, amend, or repeal a major regulation on or after November 1, 2013, is also required to prepare a standardized regulatory impact analysis addressing various additional factors. Existing law generally*

defines a “major regulation” for these purposes to mean the proposed adoption, amendment, or repeal of a regulation will have an economic impact on California business enterprises and individuals in an amount exceeding \$50,000,000, as estimated by the agency.

This bill would ~~make a nonsubstantive change to those provisions~~ require a state agency to provide a minimum 21-day public comment period for purposes of determining whether the proposed adoption, amendment, or repeal of a regulation would be a “major regulation” that requires a standardized regulatory impact analysis.

Existing law also requires each state agency proposing to adopt, amend, or repeal a major regulation on or after November 1, 2013, and that has prepared a standardized regulatory impact analysis, as described, to submit that analysis to the Department of Finance upon completion. Existing law requires the department to then comment, within 30 days of receiving that analysis, on the extent to which the analysis adheres to specified regulations adopted by the department. Upon receiving any comments from the department, the agency may update its analysis to reflect any comments received and summarize those comments and the agency’s response, along with a statement of the results of the updated analysis.

This bill would require the department, upon receipt of the analysis, as described above, to provide a 30-day public comment period on the analysis. The bill would then require the department to comment, within 30 days of receiving public input on that analysis, on the extent to which the analysis adheres to the regulations adopted by the department.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11346.3 of the Government Code is
- 2 amended to read:
- 3 11346.3. (a) A state agency that proposes to adopt, amend, or
- 4 repeal any administrative regulation shall assess the potential for
- 5 adverse economic impact on California business enterprises and
- 6 individuals, avoiding the imposition of unnecessary or unreasonable
- 7 regulations or reporting, recordkeeping, or compliance
- 8 requirements. For purposes of this subdivision, assessing the
- 9 potential for adverse economic impact shall require agencies, when
- 10 proposing to adopt, amend, or repeal a regulation, to adhere to the

1 following requirements, to the extent that these requirements do
2 not conflict with other state or federal laws:

3 (1) The proposed adoption, amendment, or repeal of a regulation
4 shall be based on adequate information concerning the need for,
5 and consequences of, proposed governmental action.

6 (2) The state agency, before submitting a proposal to adopt,
7 amend, or repeal a regulation to the office, shall consider the
8 proposal's impact on business, with consideration of industries
9 affected including the ability of California businesses to compete
10 with businesses in other states. For purposes of evaluating the
11 impact on the ability of California businesses to compete with
12 businesses in other states, an agency shall consider, but not be
13 limited to, information supplied by interested parties.

14 (3) An economic impact assessment prepared pursuant to this
15 subdivision for a proposed regulation that is not a major regulation
16 or that is a major regulation proposed before November 1, 2013,
17 shall be prepared in accordance with subdivision (b), and shall be
18 included in the initial statement of reasons as required by Section
19 11346.2. An economic assessment prepared pursuant to this
20 subdivision for a major regulation proposed on or after November
21 1, 2013, shall be prepared in accordance with subdivision (c), and
22 shall be included in the initial statement of reasons as required by
23 Section 11346.2.

24 (4) *For purposes of determining whether the proposed adoption,*
25 *amendment, or repeal of a regulation would meet the definition*
26 *of a "major regulation," pursuant to Section 11342.548, and*
27 *therefore be subject to subdivision (c) of this section, a state agency*
28 *shall provide a minimum 21-day public comment period to allow*
29 *interested parties to submit economic impact statements or other*
30 *related information concerning the proposed regulation.*

31 (b) (1) A state agency proposing to adopt, amend, or repeal a
32 regulation that is not a major regulation or that is a major regulation
33 proposed before November 1, 2013, shall prepare an economic
34 impact assessment that assesses whether and to what extent it will
35 affect the following:

36 (A) The creation or elimination of jobs within the state.

37 (B) The creation of new businesses or the elimination of existing
38 businesses within the state.

39 (C) The expansion of businesses currently doing business within
40 the state.

- 1 (D) The benefits of the regulation to the health and welfare of
- 2 California residents, worker safety, and the state’s environment.
- 3 (2) This subdivision does not apply to the University of
- 4 California, the college named in Section 92200 of the Education
- 5 Code, or the Fair Political Practices Commission.
- 6 (3) Information required from a state agency for the purpose of
- 7 completing the assessment may come from existing state
- 8 publications.
- 9 (4) (A) For purposes of conducting the economic impact
- 10 assessment pursuant to this subdivision, a state agency may use
- 11 the consolidated definition of small business in subparagraph (B)
- 12 in order to determine the number of small businesses within the
- 13 economy, a specific industry sector, or geographic region. The
- 14 state agency shall clearly identify the use of the consolidated small
- 15 business definition in its rulemaking package.
- 16 (B) For the exclusive purpose of undertaking the economic
- 17 impact assessment, a “small business” means a business that is all
- 18 of the following:
- 19 (i) Independently owned and operated.
- 20 (ii) Not dominant in its field of operation.
- 21 (iii) Has fewer than 100 employees.
- 22 (C) Subparagraph (A) shall not apply to a regulation adopted
- 23 by the Department of Insurance that applies to an insurance
- 24 company.
- 25 (c) (1) Each state agency proposing to adopt, amend, or repeal
- 26 a major regulation on or after November 1, 2013, shall prepare a
- 27 standardized regulatory impact analysis in the manner prescribed
- 28 by the Department of Finance pursuant to Section 11346.36. The
- 29 standardized regulatory impact analysis shall address all of the
- 30 following:
- 31 (A) The creation or elimination of jobs within the state.
- 32 (B) The creation of new businesses or the elimination of existing
- 33 businesses within the state.
- 34 (C) The competitive advantages or disadvantages for businesses
- 35 currently doing business within the state.
- 36 (D) The increase or decrease of investment in the state.
- 37 (E) The incentives for innovation in products, materials, or
- 38 processes.
- 39 (F) The benefits of the regulations, including, but not limited
- 40 to, benefits to the health, safety, and welfare of California residents,

1 worker safety, and the state’s environment and quality of life,
2 among any other benefits identified by the agency.

3 (2) This subdivision shall not apply to the University of
4 California, the college named in Section 92200 of the Education
5 Code, or the Fair Political Practices Commission.

6 (3) Information required from state agencies for the purpose of
7 completing the analysis may be derived from existing state, federal,
8 or academic publications.

9 (d) Any administrative regulation adopted on or after January
10 1, 1993, that requires a report shall not apply to businesses, unless
11 the state agency adopting the regulation makes a finding that it is
12 necessary for the health, safety, or welfare of the people of the
13 state that the regulation apply to businesses.

14 (e) Analyses conducted pursuant to this section are intended to
15 provide agencies and the public with tools to determine whether
16 the regulatory proposal is an efficient and effective means of
17 implementing the policy decisions enacted in statute or by other
18 provisions of law in the least burdensome manner. Regulatory
19 impact analyses shall inform the agencies and the public of the
20 economic consequences of regulatory choices, not reassess
21 statutory policy. The baseline for the regulatory analysis shall be
22 the most cost-effective set of regulatory measures that are equally
23 effective in achieving the purpose of the regulation in a manner
24 that ensures full compliance with the authorizing statute or other
25 law being implemented or made specific by the proposed
26 regulation.

27 (f) (1) Each state agency proposing to adopt, amend, or repeal
28 a major regulation on or after November 1, 2013, and that has
29 prepared a standardized regulatory impact analysis pursuant to
30 subdivision (c), shall submit that analysis to the Department of
31 Finance upon completion. ~~The department shall comment,~~

32 (2) *Upon receipt of the analysis pursuant to paragraph (1), the*
33 *department shall provide a 30-day public comment period on the*
34 *analysis.*

35 (3) *The department shall then comment, within 30 days of*
36 *receiving public input on that analysis, on the extent to which the*
37 *analysis adheres to the regulations adopted pursuant to Section*
38 *11346.36. Upon receiving the comments from the department, the*
39 *agency may update its analysis to reflect any comments received*
40 *from the department and shall summarize the comments and the*

- 1 response of the agency along with a statement of the results of the
- 2 updated analysis for the statement required by paragraph (10) of
- 3 subdivision (a) of Section 11346.5.

O

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 372

Introduced by Senator Menjivar

~~(Coauthor: Senator~~ *(Coauthors: Senators Cortese and Wiener)*

~~(Coauthor: (Coauthors: Assembly Member Pellerin~~ *Members Lee, Pellerin, and Wallis)*

February 9, 2023

An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. ~~Under existing law, the department is composed of various boards, bureaus, committees, and commissions.~~ Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines "board" for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board to update a ~~licensee~~ *licensee's* or registrant's records, including records contained within an online license verification system, to include the ~~licensee~~ *licensee's* or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. *The bill would require the board to remove the licensee's*

or registrant’s former name or gender from its online license verification system and treat this information as confidential. The board would be required to establish a process to allow a person to request and obtain this information, as prescribed. The bill would require the board, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The bill would prohibit a board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27.5 is added to the Business and
- 2 Professions Code, to read:
- 3 27.5. (a) (1) Notwithstanding any other law, if a board receives
- 4 government-issued documentation, as described in subdivision
- 5 (b), from a licensee or registrant demonstrating that the licensee
- 6 *licensee’s* or registrant’s legal name or gender has been changed,
- 7 the board shall update their records, including any records
- 8 contained within an online license verification system, to include
- 9 the updated legal name or gender. ~~If requested by the licensee or~~
- 10 ~~registrant, the board shall reissue any documents conferred upon~~
- 11 ~~the licensee or registrant with the licensee or registrant’s updated~~
- 12 ~~legal name or gender.~~
- 13 (2) (A) *If the board operates an online license verification*
- 14 *system, it shall remove the licensee’s or registrant’s former name*
- 15 *upon receipt of government-issued documentation, as described*
- 16 *in subdivision (b). The licensee’s or registrant’s former name and*
- 17 *gender shall be deemed confidential.*
- 18 (B) *The board shall establish a process for providing a*
- 19 *licensee’s or registrant’s former name and gender upon receipt*

1 of a request that is related to a complaint against the licensee or
2 registrant.

3 (C) In establishing a process to provide a licensee's or
4 registrant's former name and gender, the board shall consider
5 respect for the licensee's or registrant's privacy and safety.

6 ~~(2)~~

7 (3) If requested by the licensee or registrant, the board shall
8 reissue any documents conferred upon the licensee or registrant
9 with the licensee's or registrant's updated legal name or gender.

10 A board shall not charge a higher fee for reissuing a document
11 with a corrected or updated legal name or gender than the fee it
12 charges for reissuing a document with other corrected or updated
13 information.

14 (b) The documentation of a licensee or registrant sufficient to
15 demonstrate a legal name or gender change includes, but is not
16 limited to, any of the following:

17 (1) State-issued driver's license or identification card.

18 (2) Birth certificate.

19 (3) Passport.

20 (4) Social security card.

21 (5) Court order indicating a name change or a gender change.

22 (c) This section does not require a board to modify records that
23 the licensee or registrant has not requested for modification or
24 reissuance.

25 *SEC. 2. The Legislature finds and declares that Section 1 of*
26 *this act, which adds Section 27.5 to the Business and Professions*
27 *Code, imposes a limitation on the public's right of access to the*
28 *meetings of public bodies or the writings of public officials and*
29 *agencies within the meaning of Section 3 of Article I of the*
30 *California Constitution. Pursuant to that constitutional provision,*
31 *the Legislature makes the following findings to demonstrate the*
32 *interest protected by this limitation and the need for protecting*
33 *that interest:*

34 *In order to protect the privacy rights and safety of individuals,*
35 *it is necessary that this act limit the public's right of access to that*
36 *information.*

O

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 544

Introduced by Senator Laird

February 15, 2023

An act to amend Section ~~50280.1~~ *11123* of the Government Code, relating to ~~local~~ *state* government.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Laird. ~~Historical—property—contracts—~~
Bagley-Keene Open Meeting Act: teleconferencing.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.

This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each

teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.

This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~Existing law authorizes an owner of any qualified historical property, as defined, to contract with the legislative body of a city, county, or city and county, to restrict the use of the property, as specified, in exchange for lowered assessment values.~~

~~This bill would make nonsubstantive changes to the provisions that define a qualified historical property.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 11123 of the Government Code is*
2 *amended to read:*

3 11123. (a) All meetings of a state body shall be open and
4 public and all persons shall be permitted to attend any meeting of
5 a state body except as otherwise provided in this article.

6 (b) (1) This article does not prohibit a state body from holding
7 an open or closed meeting by teleconference for the benefit of the
8 public and state body. The meeting or proceeding held by
9 teleconference shall otherwise comply with all applicable
10 requirements or laws relating to a specific type of meeting or
11 proceeding, including the following:

12 (A) The teleconferencing meeting shall comply with all
13 requirements of this article applicable to other meetings.

14 (B) The portion of the teleconferenced meeting that is required
15 to be open to the public shall be audible to the public at the location
16 specified in the notice of the meeting.

17 (C) If the state body elects to conduct a meeting or proceeding
18 by teleconference, it shall ~~post agendas at all teleconference~~
19 ~~locations and~~ conduct teleconference meetings in a manner that
20 protects the rights of any party or member of the public appearing
21 before the state body. ~~Each teleconference location shall be~~
22 ~~identified in the notice and agenda of the meeting or proceeding,~~
23 ~~and each teleconference location shall be accessible to the public.~~
24 *The state body shall provide a means by which the public may*
25 *remotely hear audio of the meeting, remotely observe the meeting,*
26 *or attend the meeting by providing on the posted agenda a*
27 *teleconference telephone number, an internet website or other*
28 *online platform, and a physical address for at least one site,*
29 *including, if available, access equivalent to the access for a*
30 *member of the state body participating remotely. The applicable*
31 *teleconference telephone number, internet website or other online*
32 *platform, and physical address indicating how the public can*
33 *access the meeting remotely and in person shall be specified in*
34 *any notice required by this article.*

35 (D) *The agenda shall provide an opportunity for members of*
36 *the public to address the state body directly pursuant to Section*
37 *11125.7 at each teleconference location. 11125.7.*

38 (⊕)

1 (E) All votes taken during a teleconferenced meeting shall be
2 by rollcall.

3 ~~(E)~~

4 (F) The portion of the teleconferenced meeting that is closed
5 to the public may not include the consideration of any agenda item
6 being heard pursuant to Section 11125.5.

7 ~~(F)~~

8 (G) At least one member *or staff* of the state body shall be
9 physically present at the location specified in the notice of the
10 meeting.

11 (2) For the purposes of this subdivision, “teleconference” means
12 a meeting of a state body, the members of which are at different
13 locations, connected by electronic means, through either audio or
14 both audio and video. This section does not prohibit a state body
15 from providing members of the public with additional locations
16 in which the public may observe or address the state body by
17 electronic means, through either audio or both audio and video.

18 (c) *If a state body holds a meeting through teleconferencing*
19 *pursuant to this section and allows members of the public to*
20 *observe and address the meeting telephonically or otherwise*
21 *electronically, the state body shall also do both of the following:*

22 (1) *Implement a procedure for receiving and swiftly resolving*
23 *requests for reasonable modification or accommodation from*
24 *individuals with disabilities, consistent with the federal Americans*
25 *with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and*
26 *resolving any doubt whatsoever in favor of accessibility.*

27 (2) *Advertise that procedure each time notice is given of the*
28 *means by which members of the public may observe the meeting*
29 *and offer public comment.*

30 ~~(e)~~

31 (d) The state body shall publicly report any action taken and
32 the vote or abstention on that action of each member present for
33 the action.

34 (e) *For purposes of this section, “participate remotely” means*
35 *participation in a meeting at a location other than the physical*
36 *location designated in the agenda of the meeting.*

37 *SEC. 2. The Legislature finds and declares that Section 1 of*
38 *this act, which amends Section 11123 of the Government Code,*
39 *imposes a limitation on the public’s right of access to the meetings*
40 *of public bodies or the writings of public officials and agencies*

1 *within the meaning of Section 3 of Article I of the California*
2 *Constitution. Pursuant to that constitutional provision, the*
3 *Legislature makes the following findings to demonstrate the interest*
4 *protected by this limitation and the need for protecting that*
5 *interest:*

6 *(a) By removing the requirement for agendas to be placed at*
7 *the location of each public official participating in a public meeting*
8 *remotely, including from the member’s private home or hotel room,*
9 *this act protects the personal, private information of public officials*
10 *and their families while preserving the public’s right to access*
11 *information concerning the conduct of the people’s business.*

12 *(b) During the COVID-19 public health emergency, audio and*
13 *video teleconference were widely used to conduct public meetings*
14 *in lieu of physical location meetings, and those public meetings*
15 *have been productive, increased public participation by all*
16 *members of the public regardless of their location and ability to*
17 *travel to physical meeting locations, increased the pool of people*
18 *who are able to serve on these bodies, protected the health and*
19 *safety of civil servants and the public, and have reduced travel*
20 *costs incurred by members of state bodies and reduced work hours*
21 *spent traveling to and from meetings.*

22 *(c) Conducting audio and video teleconference meetings*
23 *enhances public participation and the public’s right of access to*
24 *meetings of the public bodies by improving access for individuals*
25 *that often face barriers to physical attendance.*

26 ~~SECTION 1. Section 50280.1 of the Government Code is~~
27 ~~amended to read:~~

28 ~~50280.1. “Qualified historical property” for purposes of this~~
29 ~~article, means privately owned property that is not exempt from~~
30 ~~property taxation and that meets either of the following criteria:~~

31 ~~(a) The property is listed in the National Register of Historic~~
32 ~~Places or is located in a registered historic district, as defined in~~
33 ~~Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.~~

34 ~~(b) The property is listed in any state, city, county, or city and~~
35 ~~county official register of historical or architecturally significant~~
36 ~~sites, places, or landmarks.~~

O

Introduced by Senator Roth

February 17, 2023

An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 802, as introduced, Roth. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. Existing law requires a board to notify the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history.

If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, this bill would require a board to notify the applicant in writing within 30 days after a decision is made, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 480 of the Business and Professions Code
- 2 is amended to read:

1 480. (a) Notwithstanding any other provision of this code, a
2 board may deny a license regulated by this code on the grounds
3 that the applicant has been convicted of a crime or has been subject
4 to formal discipline only if either of the following conditions are
5 met:

6 (1) The applicant has been convicted of a crime within the
7 preceding seven years from the date of application that is
8 substantially related to the qualifications, functions, or duties of
9 the business or profession for which the application is made,
10 regardless of whether the applicant was incarcerated for that crime,
11 or the applicant has been convicted of a crime that is substantially
12 related to the qualifications, functions, or duties of the business or
13 profession for which the application is made and for which the
14 applicant is presently incarcerated or for which the applicant was
15 released from incarceration within the preceding seven years from
16 the date of application. However, the preceding seven-year
17 limitation shall not apply in either of the following situations:

18 (A) The applicant was convicted of a serious felony, as defined
19 in Section 1192.7 of the Penal Code or a crime for which
20 registration is required pursuant to paragraph (2) or (3) of
21 subdivision (d) of Section 290 of the Penal Code.

22 (B) The applicant was convicted of a financial crime currently
23 classified as a felony that is directly and adversely related to the
24 fiduciary qualifications, functions, or duties of the business or
25 profession for which the application is made, pursuant to
26 regulations adopted by the board, and for which the applicant is
27 seeking licensure under any of the following:

28 (i) Chapter 6 (commencing with Section 6500) of Division 3.

29 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

30 (iii) Chapter 11.3 (commencing with Section 7512) of Division
31 3.

32 (iv) Licensure as a funeral director or cemetery manager under
33 Chapter 12 (commencing with Section 7600) of Division 3.

34 (v) Division 4 (commencing with Section 10000).

35 (2) The applicant has been subjected to formal discipline by a
36 licensing board in or outside California within the preceding seven
37 years from the date of application based on professional misconduct
38 that would have been cause for discipline before the board for
39 which the present application is made and that is substantially
40 related to the qualifications, functions, or duties of the business or

1 profession for which the present application is made. However,
2 prior disciplinary action by a licensing board within the preceding
3 seven years shall not be the basis for denial of a license if the basis
4 for that disciplinary action was a conviction that has been dismissed
5 pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425
6 of the Penal Code or a comparable dismissal or expungement.
7 Formal discipline that occurred earlier than seven years preceding
8 the date of application may be grounds for denial of a license only
9 if the formal discipline was for conduct that, if committed in this
10 state by a physician and surgeon licensed pursuant to Chapter 5
11 (commencing with Section 2000) of Division 2, would have
12 constituted an act of sexual abuse, misconduct, or relations with
13 a patient pursuant to Section 726 or sexual exploitation as defined
14 in subdivision (a) of Section 729.

15 (b) Notwithstanding any other provision of this code, a person
16 shall not be denied a license on the basis that the person has been
17 convicted of a crime, or on the basis of acts underlying a conviction
18 for a crime, if that person has obtained a certificate of rehabilitation
19 under Chapter 3.5 (commencing with Section 4852.01) of Title 6
20 of Part 3 of the Penal Code, has been granted clemency or a pardon
21 by a state or federal executive, or has made a showing of
22 rehabilitation pursuant to Section 482.

23 (c) Notwithstanding any other provision of this code, a person
24 shall not be denied a license on the basis of any conviction, or on
25 the basis of the acts underlying the conviction, that has been
26 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42,
27 or 1203.425 of the Penal Code, or a comparable dismissal or
28 expungement. An applicant who has a conviction that has been
29 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42
30 of the Penal Code shall provide proof of the dismissal if it is not
31 reflected on the report furnished by the Department of Justice.

32 (d) Notwithstanding any other provision of this code, a board
33 shall not deny a license on the basis of an arrest that resulted in a
34 disposition other than a conviction, including an arrest that resulted
35 in an infraction, citation, or a juvenile adjudication.

36 (e) A board may deny a license regulated by this code on the
37 ground that the applicant knowingly made a false statement of fact
38 that is required to be revealed in the application for the license. A
39 board shall not deny a license based solely on an applicant's failure

1 to disclose a fact that would not have been cause for denial of the
2 license had it been disclosed.

3 (f) A board shall follow the following procedures in requesting
4 or acting on an applicant's criminal history information:

5 (1) A board issuing a license pursuant to Chapter 3 (commencing
6 with Section 5500), Chapter 3.5 (commencing with Section 5615),
7 Chapter 10 (commencing with Section 7301), Chapter 20
8 (commencing with Section 9800), or Chapter 20.3 (commencing
9 with Section 9880), of Division 3, or Chapter 3 (commencing with
10 Section 19000) or Chapter 3.1 (commencing with Section 19225)
11 of Division 8 may require applicants for licensure under those
12 chapters to disclose criminal conviction history on an application
13 for licensure.

14 (2) Except as provided in paragraph (1), a board shall not require
15 an applicant for licensure to disclose any information or
16 documentation regarding the applicant's criminal history. However,
17 a board may request mitigating information from an applicant
18 regarding the applicant's criminal history for purposes of
19 determining substantial relation or demonstrating evidence of
20 rehabilitation, provided that the applicant is informed that
21 disclosure is voluntary and that the applicant's decision not to
22 disclose any information shall not be a factor in a board's decision
23 to grant or deny an application for licensure.

24 (3) If a board decides to deny an application for licensure based
25 solely or in part on the applicant's conviction history, the board
26 shall notify the applicant in ~~writing~~ *writing, within 30 days after*
27 *a decision is made*, of all of the following:

28 (A) The denial or disqualification of licensure.

29 (B) Any existing procedure the board has for the applicant to
30 challenge the decision or to request reconsideration.

31 (C) That the applicant has the right to appeal the board's
32 decision.

33 (D) The processes for the applicant to request a copy of the
34 applicant's complete conviction history and question the accuracy
35 or completeness of the record pursuant to Sections 11122 to 11127
36 of the Penal Code.

37 (g) (1) For a minimum of three years, each board under this
38 code shall retain application forms and other documents submitted
39 by an applicant, any notice provided to an applicant, all other

1 communications received from and provided to an applicant, and
2 criminal history reports of an applicant.

3 (2) Each board under this code shall retain the number of
4 applications received for each license and the number of
5 applications requiring inquiries regarding criminal history. In
6 addition, each licensing authority shall retain all of the following
7 information:

8 (A) The number of applicants with a criminal record who
9 received notice of denial or disqualification of licensure.

10 (B) The number of applicants with a criminal record who
11 provided evidence of mitigation or rehabilitation.

12 (C) The number of applicants with a criminal record who
13 appealed any denial or disqualification of licensure.

14 (D) The final disposition and demographic information,
15 consisting of voluntarily provided information on race or gender,
16 of any applicant described in subparagraph (A), (B), or (C).

17 (3) (A) Each board under this code shall annually make
18 available to the public through the board's internet website and
19 through a report submitted to the appropriate policy committees
20 of the Legislature deidentified information collected pursuant to
21 this subdivision. Each board shall ensure confidentiality of the
22 individual applicants.

23 (B) A report pursuant to subparagraph (A) shall be submitted
24 in compliance with Section 9795 of the Government Code.

25 (h) "Conviction" as used in this section shall have the same
26 meaning as defined in Section 7.5.

27 (i) This section does not in any way modify or otherwise affect
28 the existing authority of the following entities in regard to
29 licensure:

30 (1) The State Athletic Commission.

31 (2) The Bureau for Private Postsecondary Education.

32 (3) The California Horse Racing Board.



**Agenda Item 16
April 20, 2023**

**Review, Discussion, and Possible Action on Regulatory Proposal Regarding
Disciplinary Decisions Involving Sexual Contact with a Patient and
Required Actions Against Registered Sex Offenders (add CCR, Title 16,
sections 384.1 and 384.2)**

Purpose of the Item

The Board will review and discuss the regulatory proposal to mandate minimum penalties for disciplinary decisions involving sexual contact with a patient and individuals who are subject to registration as a sex offender.

Action Requested

The Board will be asked to approve the proposed text to adopt California Code of Regulations (CCR), title 16, sections 384.1 and 384.2 and initiate the rulemaking process.

Background

At the August 29, 2016 Board meeting, as part of a proposed comprehensive Consumer Protection Enforcement Initiative (CPEI) regulatory package, the Board approved proposed language to add CCR, title 16, sections 390.7 and 390.8 to establish required penalties for disciplinary decisions involving sexual contact with a patient and individuals who are required to register as a sex offender. Staff subsequently renumbered these proposed sections as 384.1 and 384.2 to place them within the Board's discipline regulations.

At the October 6, 2022 and December 9, 2022 Enforcement Committee meetings, the Committee discussed the proposed regulatory language that had been previously approved by the Board. The Committee had no concerns with the proposed language to add CCR, title 16, section 384.1 (Sexual Contact with Patient), which would require any proposed decision or decision that contains any finding of fact that a licensee engaged in any act of sexual contact, as defined in [Business and Professions Code \(BPC\) section 729, subdivision \(c\)](#), to contain an order of revocation, and prohibit a proposed decision from containing a stay of the revocation.

The Committee also considered the proposed language to add CCR, title 16, section 384.2 (Required Actions Against Sex Offenders), which would have required the Board to deny an application for licensure or revoke a license for any individual who is required to register as a sex offender pursuant to [Penal Code \(PC\) section 290](#), or an equivalent law in another jurisdiction. This section would have prohibited the Board from reinstating

Regulatory Proposal Regarding Sexual Contact and Sex Offenders

April 20, 2023

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or reissuing the individual's license, issuing a stay of revocation, or placing the license on probation.

The Committee discussed California's current three-tier sex offender registration system that became effective on January 1, 2021 through [Senate Bill 384 \(Chapter 541, Statutes of 2017\)](#), and how it would be prudent for the Board to retain its discretion for cases involving tier one offenders due to the potential for extenuating circumstances where license denial or revocation without a stay order may not be necessary for public protection.

The Committee recommended that staff be directed to work with regulatory legal counsel to prepare updated proposed language that would require:

- 1) Any proposed decision containing a finding of fact that a licensee engaged in any act of sexual contact, as defined in BPC section 729, subdivision (c), or is subject to registration as a sex offender under PC section 290 in any tier, to contain an order of revocation and prohibit the proposed decision from containing a stay of the revocation;
- 2) Any Board decision containing a finding of fact that a licensee engaged in any act of sexual contact, as defined in BPC section 729, subdivision (c), to contain an order of revocation; and
- 3) The Board to deny or revoke a license for any applicant, licensee, or petitioner who is subject to registration as a sex offender under PC section 290 in any tier, and prohibit the Board from issuing a stay of the revocation for any individual who is subject to registration as a tier two or three offender, as defined in PC section 290, subdivision (d)(2) and (3).

The Board discussed the Committee's recommendation at the January 20, 2023 Board meeting and voted to direct staff to work with legal counsel to update and finalize the proposed text to add CCR, title 16, sections 384.1 and 384.2 to reflect the Committee's recommendations and present that text to the Board for approval at the April 2023 Board meeting.

As directed, staff revised the proposed text to add CCR, title 16, sections 384.1 and 384.2. The proposed text can be found in the Attachment and has been reviewed and approved by the Board's regulatory legal counsel.

At this meeting, the Board is asked to review and discuss the proposed text to adopt CCR, title 16, sections 384.1 and 384.2. If the Board wishes to proceed with the regulatory proposal as drafted, staff recommends that the Board make the following motion:

Suggested Motion: Approve the proposed regulatory text for California Code of Regulations (CCR), title 16, sections 384.1 and 384.2 in the Attachment, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations for CCR, title 16, sections 384.1 and 384.2 as noticed.

Attachment

- Proposed Regulatory Language to Adopt California Code of Regulations, Title 16, Sections 384.1 and 384.2

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

PROPOSED REGULATORY LANGUAGE
Sexual Contact With Patient and Required Actions Against Registered Sex Offenders

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Adopt Sections 384.1 and 384.2 of Division 4 of Title 16 of the California Code of Regulations to read as follows:

§ 384.1. License Revocation for Sexual Contact With Patient.

(a) Notwithstanding Section 384, any decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in Business and Professions Code section 729, subdivision (c)(3), with a patient, customer, or client, or with a former patient, customer, or client when the professional relationship was terminated primarily for the purpose of engaging in sexual contact, shall contain an order revoking the license. Any proposed decision prepared by an administrative law judge in accordance with Government Code section 11517, subdivision (c), shall not contain an order staying the revocation of the license or placing the license on probation.

(b) This section shall not apply to sexual contact between a licensee and their spouse or person in an equivalent domestic relationship when that licensee provides chiropractic treatment to their spouse or person in an equivalent domestic relationship.

NOTE: Authority cited: Sections 4(b) and 10(a) of the Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii. Reference: Sections 726 and 729 of the Business and Professions Code and Sections 4(b) and 10 of the Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii.

§ 384.2. Required Actions Against Registered Sex Offenders.

(a) For purposes of this section, "sex offender" means an individual who is required to register as a sex offender for any offense pursuant to Penal Code sections 290 to 290.024, inclusive, or the equivalent in another state or territory, or military or federal

law. A “tier one offender” has the same meaning as specified in Penal Code section 290, subdivision (d)(1).

(b) Notwithstanding Section 384, any proposed decision prepared by an administrative law judge in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that an individual is required to register as a sex offender shall contain an order denying the application for licensure or revoking the license. The proposed decision shall not contain an order granting the application for licensure, staying the revocation of the license, or placing the license on probation.

(c) Except as otherwise provided, if an individual is required to register as a sex offender, the Board shall:

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

(2) Promptly revoke the individual’s license in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The decision shall not contain an order staying the revocation of the license or placing the license on probation unless the individual is subject to registration as a tier one offender or the equivalent in another jurisdiction.

(3) Deny any petition to reinstate or reissue the individual’s license.

(d) The Board may, in its sole discretion, grant an application for licensure or petition for reinstatement of licensure to an individual who is subject to registration as a tier one offender or the equivalent in another jurisdiction. The decision shall contain an order immediately revoking the license upon issuance, staying the revocation of license, and placing the license on probation.

(e) This section shall not apply to the following:

(1) An individual who has been granted relief from registration under Penal Code section 290.5 or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration.

(2) An individual who is required to register as a sex offender solely because of a misdemeanor conviction under Penal Code section 314, provided, however, that nothing in this paragraph shall prohibit the Board from exercising its discretion to discipline a licensee under any other provision of state law based upon the licensee’s conviction under Penal Code section 314.

(3) Any administrative proceeding that is fully adjudicated prior to the effective date

of this regulation. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph and the prohibition in subdivision (c)(3) against reinstating a license shall govern.

NOTE: Authority cited: Sections 4(b) and 10(a) of the Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii. Reference: Sections 290–290.024 and 290.5 of the Penal Code and Sections 4(b) and 10 of the Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii.



Agenda Item 17
April 20, 2023

Review, Discussion, and Possible Action on Regulatory Proposal Regarding Annual Continuing Education Requirements for Licensees and the Board's CE Course Review and Approval Process (amend CCR, Title 16, sections 360–364)

Purpose of the Item

The Board will review and discuss the regulatory proposal to update the Board's annual continuing education requirements for licensees and the Board's CE course review and approval process.

Action Requested

The Board will be asked to approve the proposed text to amend California Code of Regulations (CCR), title 16, sections 360–364 and adopt section 360.1 and initiate the rulemaking process.

Background

To increase the effectiveness of the Board's Continuing Education Program, the Committee has been developing proposed changes to CCR, title 16, sections 360–364 to update the annual CE requirements for licensees and the Board's CE course review and approval process.

CCR, Title 16, Section 360. Continuing Education Fees.

This section has been updated for consistency with the current CE fee amounts in [Business and Professions Code section 1006.5](#), as amended effective January 1, 2023, by Senate Bill 1434 (Roth, Chapter 623, Statutes of 2022).

During the fiscal analysis of the proposed regulations, staff will develop recommended fee amounts to implement through regulation, if different from the statute, based on the actual staff time and resources involved in the review and approval process for a new course and the reapproval of a previously approved course.

CCR, Title 16, Section 360.1. Submission Methods for Continuing Education Applications, Forms, and Payments and Conditions for Electronic Submissions.

This section was developed and added by staff to clarify the methods by which CE applications can be submitted to the Board and provide necessary conditions for the electronic submission of applications through the Board's Connect system.

Continuing Education Regulatory Proposal

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CCR, Title 16, Section 361. Annual Continuing Education Requirements for Doctors of Chiropractic.

This section outlines the proposed annual CE requirements for licensees. While the annual 24-hour requirement for active licensees would remain, the Committee is proposing 10 mandatory hours in four new competency areas as follows:

- Competency 1: Evaluation and Management – 4 hours*
- Competency 2: Documentation, Record Keeping, and Coding – 2 hours
- Competency 3: Adjustment, Manipulation, or Technique – 2 hours*
- Competency 4: Ethics, Law, and Professional Boundaries – 2 hours

The courses in Competencies 1 and 3 must be completed either through an in-person learning experience or a live and interactive course given via electronic means, as defined in CCR, title 16, section 363. Courses in these competency areas may not be completed through distance learning.

The remaining 14 hours of CE may be met by completing Board-approved courses in any of the five competency areas, including Competency 5: Electives, or through other professional development activities identified in CCR, title 16, section 361, subdivision (d)(2)–(8).

CCR, Title 16, Section 362. Continuing Education Provider Approval, Duties, and Responsibilities.

This section has been updated to define a “provider” as either a Board-approved CE provider or a provider recognized by the Federation of Chiropractic Licensing Boards (FCLB) Providers of Approved Continuing Education (PACE) program.

In addition, the CE provider application forms have been updated to gather additional information on the provider’s background during the initial application and biennial renewal processes.

CCR, Title 16, Section 363. Approval of Continuing Education Courses.

This section updates and expands the application process for Board-approved CE courses, including the planned implementation of a reapproval process for previously approved courses. Specifically, this section:

- Defines a course as a program of coordinated instruction in any one of the five competency areas defined in CCR, title 16, section 361, subdivision (f), and provides a three-year course approval period;
- Identifies the three learning methods that will be recognized by the Board: 1) in-person learning experience; 2) live and interactive courses given via electronic

Continuing Education Regulatory Proposal

April 20, 2023

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means (with a real-time audio and video connection between the licensee and provider); and 3) distance learning;

- Outlines the minimum requirements for Board-approved courses; and
- Strengthens the application, review, and approval process for new courses and changes to existing courses, and implements a new process for reapproval of courses.

CCR, Title 16, Section 363.1. Distance Learning.

This section updates the definition of asynchronous distance learning and requires licensees to pass a test of the subject matter for successful completion of a distance learning course.

CCR, Title 16, Section 364. Exemptions from Annual Continuing Education Requirement.

This section outlines the criteria where a licensee may qualify for full exemption from the annual CE requirement during a license renewal period. The prior language that described other activities that qualify for CE credit was moved to CCR, title 16, section 361 for clarity.

Action Requested by the Board

Following the January 20, 2023 Board meeting, staff revised the proposed text to amend CCR, title 16, sections 360–364 and adopt section 360.1. The proposed text, including the forms incorporated by reference, can be found in the Attachment and has been reviewed and approved by the Board’s regulatory legal counsel.

At this meeting, the Board is asked to review and discuss the proposed text. If the Board wishes to proceed with this regulatory proposal as drafted, staff recommends that the Board make the following motion:

Suggested Motion: Approve the proposed regulatory text for California Code of Regulations, title 16, sections 360–364 in the Attachment, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations for CCR, title 16, sections 360–364 as noticed.

Continuing Education Regulatory Proposal
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Attachment

- Proposed Regulatory Language to Amend California Code of Regulations, Title 16, Sections 360–364 and Adopt Section 360.1

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

PROPOSED REGULATORY LANGUAGE
Continuing Education Requirements and Approval Process

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend Sections 360 through 364 and Adopt Section 360.1 of Division 4 of Title 16 of the California Code of Regulations to read as follows:

§ 360. Continuing Education Fees.

The following represents fees for continuing education:

(a) Continuing Education Provider Application Fee: ~~\$75~~ \$291

(b) Biennial Continuing Education Provider Renewal Fee: ~~\$50~~ \$118

(c) Continuing Education Course Application Fee: ~~\$50 per course. A course is defined in Section 363.~~

(1) \$116 per hour of instruction for approval of a new continuing education course, as specified in Section 363, subdivision (b).

(2) \$116 per hour of instruction for reapproval of a previously approved continuing education course, as specified in Section 363, subdivision (i).

NOTE: Authority cited: Sections 4000-4(b) and 4000-4(e), ~~Business and Professions Code~~ of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

Reference: Sections 4000-4(b) and 4000-10(a), ~~Business and Professions Code~~ of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 360.1. Submission Methods for Continuing Education Applications, Forms, and Payments and Conditions for Electronic Submissions.

(a) The applications, forms, documentation, and payments required by Sections 362, subdivision (c)(1) and (2) and 363, subdivisions (b) and (i) shall be submitted to the Board either by mail or electronically through the Board's Connect user portal.

(b) The applications, forms, documentation, and notices of appeal required by Sections 362, subdivisions (a), (c)(4), and (e) and 363, subdivisions (c), (e), (h)(2) and (3), and (i) may be submitted to the Board by mail, by email to Chiro.CE@dca.ca.gov, or electronically through the Board's Connect user portal.

(c) For purposes of this Article, an application, form, documentation, notice of appeal, or payment is considered to be submitted to the Board on the post-marked date for submissions by mail and at the date and time of electronic transmission for submissions by email or through the Board's Connect user portal.

(d) As used in this Article, "the Board's Connect user portal" means the online portal accessible on the Internet at <https://connect.chiro.ca.gov> that allows for secure access to a designated user account and direct submission of applications, forms, and payments for licensing and continuing education transactions to the Board.

(e) The following conditions apply to electronic submissions of continuing education applications, forms, and payments through the Board's Connect user portal:

(1) An oversight contact person or designated representative with authority to make representations and bound the continuing education provider shall register for a user account by providing their user name, password, email address, first name, last name, date of birth, last four digits of their social security or individual taxpayer identification number, and phone number.

(2) Electronic Signature. When a signature is required by the particular instructions of any filing to be made through the user portal, including any declaration or attestation under penalty of perjury, an oversight contact person or designated representative of the continuing education provider shall affix their electronic signature to the application or form by typing their name in the appropriate field and submitting the filing via the user portal. Submission of a filing in this manner shall constitute evidence of legal signature by an individual whose name is typed on the application or form.

(f) Except as otherwise explicitly stated or defined, any reference to communication in writing in this Article shall mean by U.S. certified mail, overnight courier service, or email with confirmed read receipt or affirmative acknowledgement of receipt by the Board.

NOTE: Authority cited: Sections 4(b) and 4(e) of the Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii. Reference: Sections 4(b) and 10(a) of the Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii, and Sections 1633.2, 1633.7, and 1633.9 of the Civil Code.

§ 361. Annual Continuing Education Requirements for Doctors of Chiropractic.

(a) For purposes of this section, “implementation date” means ~~two years following June 8, 2014~~ January 1, 2025.

~~(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 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) (b)~~ Any continuing education hours accumulated ~~before June 8, 2014~~ prior to the implementation date that meet the requirements in effect on the date the hours were accumulated, will be accepted by the ~~b~~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.~~

~~(f) With the exception of the mandatory hours referenced in subdivision (e), the remaining eighteen (18) hours of additional continuing education requirements may be met by taking courses in any of the subject areas listed in subdivision (g) or courses taken pursuant to subdivision (h). The eighteen (18) hours may include any combination of continuing education courses in subject areas 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).~~

(c) On or after the implementation date of January 1, 2025, licensees shall complete a minimum of twenty-four (24) hours of continuing education credit during each annual license renewal period, including the following mandatory hours:

(1) A minimum of four (4) hours of Board-approved coursework in Competency 1: Evaluation and Management, as defined in subdivision (f)(1);

(2) A minimum of two (2) hours of Board-approved coursework in Competency 2: Documentation, Record Keeping, and Coding, as defined in subdivision (f)(2);

(3) A minimum of two (2) hours of Board-approved coursework in Competency 3: Adjustment, Manipulation, or Technique, as defined in subdivision (f)(3); and

(4) A minimum of two (2) hours of Board-approved coursework in Competency 4: Ethics, Law, and Professional Boundaries, as defined in subdivision (f)(4).

(d) In addition to the mandatory hours and competencies specified in subdivision (c)(1)–(4), licensees shall earn the remaining required hours of continuing education credit through any combination of the following activities:

(1) Completing Board-approved coursework in Competency 5: Electives, as defined in subdivision (f)(5);

(2) Obtaining Basic Life Support certification: A licensee may earn two (2) hours of continuing education credit per license renewal period for completion of a course in Basic Life Support through the American Heart Association (AHA), American Red Cross (ARC), or a provider approved by the American Safety and Health Institute (ASHI). Continuing education credit shall only be granted for the renewal period during which the course was completed.

(3) Completing Sexual Harassment Prevention Training: A licensee may earn up to a maximum of two (2) hours of continuing education credit per license renewal period in Competency 4: Ethics, Law, and Professional Boundaries, as defined in subdivision (f)(4), for completion of a supervisory-level sexual harassment prevention training provided by the California Department of Civil Rights or another state or federal government agency.

(4) Attending a Board meeting: A licensee may earn a maximum of eight (8) hours of continuing education credit per license renewal period for attending a Board meeting that includes the hearing of cases related to petitioners seeking the reinstatement of revoked or surrendered licenses, early termination of probation, or reduction in penalty. A petitioner will not earn any continuing education credit for attending a Board meeting on the same day in which the petitioner's own 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.

(5) Participating in Board Examination Development: A licensee who participates as a subject matter expert in a Board workshop for the purpose of development of the California Chiropractic Law Examination shall receive one (1) hour of continuing education credit for each hour of participation, up to a maximum of sixteen (16) hours, in Competency 4: Ethics, Law, and Professional Boundaries, as defined in subdivision (f)(4).

(6) Serving as a National Examiner: 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 period conducted by the NBCE during the license renewal period. The licensee must retain written certification from NBCE confirming the licensee's participation in their continuing education records.

(7) Teaching Board-approved continuing education: A licensee who teaches a Board-approved continuing education course shall receive one (1) hour of continuing education credit in the applicable competency area for each hour of course instruction.

(8) Completing continuing education coursework that is approved by any of the entities listed below. It shall be the licensee's responsibility to verify and retain proof that the coursework has been approved by one of these entities in their continuing education records.

(A) The California Department of Industrial Relations, Division of Workers' Compensation;

(B) Any healing arts board or bureau within Division 2 of the Business and Professions Code; or

(C) Any organization authorized to approve continuing education by any healing arts board or bureau in Division 2 of the Business and Professions Code.

(e) The following limitations and restrictions apply to the annual continuing education requirement:

(1) Courses in Competency 1: Evaluation and Management and Competency 3: Adjustment, Manipulation, or Technique must be completed through an in-person learning experience or a live and interactive course given via electronic means, as defined in Section 363, subdivision (a)(2) and (3).

(2) A licensee may not earn more than twelve (12) hours of continuing education credit per day in any combination of the activities specified in subdivisions (c) and (d).

(3) A licensee may not earn more than twelve (12) hours of continuing education credit through distance learning, as defined in Section 363.1.

(4) A licensee may only earn continuing education credit one time for completing a specific continuing education course during a license renewal period. No additional credit shall be granted to a licensee who repeats a continuing education course during the same renewal period.

~~(g)~~ (f) Courses approved by the Board shall be limited to the following subject competency areas:

(1) Competency 1: Evaluation and Management. This competency area is defined as instruction in one or more of the components of evaluation and management services for new and established patients, including a case-appropriate history; examination; diagnosis; medical decision making; clinical reasoning skills; recognition of contraindications; development, implementation, and monitoring of the treatment and care plan; discussion of risks of proposed care; and/or receipt of the patient's informed consent.

(2) Competency 2: Documentation, Record Keeping, and Coding. This competency area is defined as instruction in the applicable documentation, record keeping, and/or coding requirements for patient encounters. Courses in this competency area may include, but are not limited to, instruction in record keeping requirements for evaluation and management services and subsequent patient visits; common documentation methods, such as subjective, objective, assessment, and plan (SOAP) and pain/tenderness, asymmetry/misalignment, range of motion abnormality, and tissue (P.A.R.T.); proper selection and application of International Classification of Diseases (ICD)-10 diagnosis codes and Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) procedure codes; documentation of written and verbal patient informed consent; use of electronic health records; and/or federal and state laws and regulations related to patient health information privacy and security, such as the Health Information Portability and Accountability Act of 1996 (HIPAA).

(3) Competency 3: Adjustment, Manipulation, or Technique. This competency area is defined as instruction in the assessment of clinical indications, recognition of risk factors, and safe performance of chiropractic adjustment, manipulation, or technique procedures currently recognized and taught by a chiropractic college in a doctor of chiropractic degree program accredited by the Council on Chiropractic Education (CCE) and approved by the Board pursuant to Article 4, Section 330 et seq.

(4) Competency 4: Ethics, Law, and Professional Boundaries. This competency area is defined as instruction in the principles of ethics, chiropractic laws and regulations, and/or professional boundaries, and their application to the practice of chiropractic. Courses in this competency area may include, but are not limited to, instruction in ethical issues in healthcare; mandatory reporting requirements; review of applicable state and federal laws and regulations related to the practice of chiropractic in California; professional boundaries and conduct with patients and staff; cultural competence, awareness of implicit biases, and equity issues in healthcare; and/or prevention of abusive conduct, bullying, and sexual harassment.

(5) Competency 5: Electives. This competency area is defined as instruction in general education topics related to the current knowledge, skills, and abilities

necessary for competent practice of chiropractic in California. Courses in this competency area may include, but are not limited to, instruction in any of the following:

1. (A) 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~~ (B) Sciences of anatomy, histology, neurology, physiology, nutrition, pathology, biochemistry, epidemiology, 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. (C) Advanced imaging and diagnostic testing procedures, interpretation, and technologies that aid in differential diagnosis of all conditions that affect the human body, such as X-rays, magnetic resonance imaging (MRI), computerized tomography (CT) scans, electromyography (EMG), nerve conduction velocity (NCV), diagnostic ultrasound, and electrocardiography (EKG or ECG).

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

6. (D) 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. (E) Physiotherapy and physical rehabilitation.

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

~~9. Instruction in the aspects of~~ (G) 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. (H) Adverse event avoidance, including reduction of potential malpractice issues.~~

~~13. (I) 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.~~

~~15. 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.~~

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

~~(A) Principles of managing and operating a chiropractic practice, when oriented specifically on the improvement of patient care and service, not the licensee's personal gain.~~

~~(B) Patient Wellness, illness and injury prevention, and health maintenance.~~

~~(C) Rehabilitation.~~

~~(D) Role of chiropractic in community and public health programs and issues, including community health and well-being, disease prevention, disaster relief, and healthcare access.~~

~~(M) Presentation of emerging research, research design and evaluation, case studies, and published, peer-reviewed chiropractic and/or medical research.~~

(N) Selection, incorporation, and use of current and emerging technologies in the practice of chiropractic.

~~(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, 363, and 363.1.~~

NOTE: Authority cited: Sections 4000-4(b) and 4000-4(e), Business and Professions Code ~~(of the~~ Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).
Reference: Sections 4000-4(b) and 4000-10(a), Business and Professions Code ~~(of the~~ Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 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~~ submitted to the Board in writing within thirty (30) calendar days of the date of the denial notification.

The Executive Officer shall schedule the informal hearing within thirty (30) calendar days of receipt of the appeal request by coordinating a mutually agreeable date, time, and location with the applicant and transmitting a notice of hearing to the applicant with the agreed upon hearing date, time, and location. Within ten (10) calendar days following the informal hearing, the Executive Officer shall provide written notification of ~~his or her~~ their decision to the denied applicant. If the Executive Officer upholds a denial under this section, the applicant may, within thirty (30) calendar days of the date of the Executive Officer's denial notification, request a hearing before the ~~h~~Board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future ~~h~~Board meeting but not later than one hundred eighty (180) calendar days following receipt of

the request. Within ~~40~~ sixty (60) calendar days of following the hearing before the ~~the~~ Board, the Executive Officer or their designee shall ~~provide written notification of~~ serve the ~~the~~ Board's decision to the applicant by certified mail and email. The ~~the~~ Board's decision shall be the final order in the matter.

(b) As used in this section, a provider is an individual, partnership, corporation, professional association, college, health facility, government agency, or any other entity that has either been:

(1) Approved by the Board pursuant to subdivision (c) to offer Board approved continuing education courses to licensees to meet the annual continuing education requirements set forth in Section 361 of these regulations; or

(2) Recognized by the Federation of Chiropractic Licensing Boards (FCLB) Providers of Approved Continuing Education (PACE) program to provide chiropractic continuing education courses.

(c)(1) To apply to become an Board-approved provider, an applicant shall complete and submit a "New Continuing Education Provider Application" form (~~Revision date 02/10~~ Form No. BCE200, Rev. 04/2023), which is hereby incorporated by reference, and pay the application fee specified in Section 360, subdivision (a). Applications for approval shall be submitted to the ~~the~~ Board office at least thirty (30) calendar days prior to a scheduled ~~the~~ Board meeting. Providers with applications that are incomplete will be notified of the deficiencies in writing within ~~three (3) weeks~~ fifteen (15) calendar days from the date of receipt. Complete applications will be reviewed at the scheduled next available Board meeting and notification of the ~~the~~ Board's decision will be provided in writing within two (2) weeks following the ~~the~~ Board meeting.

(2) The approval of the provider shall expire two (2) years after it is issued by the ~~the~~ Board and may be renewed upon the filing of the by completing and submitting a "Continuing Education Provider Renewal Application" form (Revision date 02/10 Form No. BCE201, Rev. 12/2022), which is hereby incorporated by reference, and paying the renewal fee specified in Section 360, subdivision (b), on or before the expiration date of the provider status. The failure by a Board-approved provider to file a completed renewal application and fee on or before the expiration date of the provider status shall result in the automatic withdrawal of approval of all continuing education courses associated with the provider.

~~(3) Providers who were approved by the board prior to the effective date of this regulation shall renew their provider status two years from June 8, 2011 by filing of the "Continuing Education Provider Application" form (Revision date 02/10) and fee specified in Section 360(b).~~

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

(4) Board-approved providers are prohibited from making any changes to the entity type, oversight contact person, designated representative, or individual(s) in control of the continuing education program without first obtaining the Board’s written authorization. To request the Board’s authorization of changes to the approved provider status, providers must complete and submit a “Request for Authorization of Changes to Continuing Education Provider Approval” form (Form No. BCE202, 12/2022), which is hereby incorporated by reference. Within fifteen (15) calendar days of receipt of a completed authorization request, Board staff will notify the provider in writing of the Board’s authorization or denial of the requested change(s) to the approved provider status.

(d) All Pproviders of Board-approved continuing education courses shall:

(1) Identify an individual responsible for overseeing all continuing education activities of the provider, a designated representative responsible for signing certificates of completion, and all individuals who are in a position of control over the provider’s continuing education program.

(2) Provide a course roster to the ~~b~~Board, within thirty (30) calendar 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) calendar 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 the Board and prospective participants the names of the individuals or organizations, if any, who have underwritten or subsidized the course. Providers ~~may~~ shall 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 planned substantive changes to the date, time or location of the a course, as specified in Section 363, subdivision (h), and obtain the Board’s written authorization prior to the implementation of those changes.

(6) Provide a certificate of completion to licensees within thirty (30) calendar 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) calendar 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~~ Board-approved competency area, and whether the hours were obtained ~~in classroom instruction through an in-person learning experience, a live and interactive course given via electronic means,~~ or distance learning.

(e) The Executive Officer, after notification, may withdraw the Board's approval or recognition of any continuing education provider specified in subdivision (b) for good cause, including, but not limited to, violations of any provision of the 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~~ submitted to the Board in writing within thirty (30) calendar days of the date of the notification. The Executive Officer shall schedule the informal hearing within thirty (30) calendar days of receipt of the appeal request by coordinating a mutually agreeable date, time, and location with the provider and transmitting a notice of hearing to the applicant with the agreed upon hearing date, time, and location. Within ten (10) calendar days following the informal hearing, the Executive Officer shall provide written notification of ~~his or her~~ their decision to the provider. If the Executive Officer upholds ~~his or her~~ their decision under this ~~subsection~~ subdivision, the provider may, within thirty (30) calendar 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 one hundred eighty (180) calendar days following receipt of the request. Within ~~40~~ sixty (60) calendar days of following the hearing before the ~~Board~~, the Executive Officer or their designee shall ~~provide written notification of~~ serve the ~~Board's~~ decision to the provider by certified mail and email. The ~~Board's~~ decision shall be the final order in the matter.

NOTE: Authority cited: Sections ~~4000-4(b) and 4000-4(e), Business and Professions Code (~~ of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

Reference: Sections 4000-4(b) and 4000-10(a), ~~Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 363. Approval of Continuing Education Courses.

~~(a) Providers must complete and submit a “Continuing Education Course Application” form (Revision date 02/10) which is hereby incorporated by reference, and pay the non-refundable application fee as provided by Section 360(c) at least 45 days prior to the date of the course. Providers shall submit and complete one application for each continuing education course being offered.~~

~~(b) (a)(1) A “course” is defined as an approved program of coordinated instruction in any one of the subject five competency areas as defined in Section 361(g), subdivision (f), and given by an approved Provider as specified in Section 362, subdivision (b)(1) or (2). Once approved by the Board, a course may be given any number of times ~~for one~~ year following approval, with the single continuing education course fee paid ~~one time~~ annually by the provider during the three-year approval period. A course may not consist of more than one subject competency area as defined in Section 361(g), subdivision (f).~~

(2) “In-person learning experience” is defined as a synchronous learning format consisting of in-person lectures, in-person workshops, in-person demonstrations, or in-person classroom studies which allow for participatory interaction between the licensee and the instructor during the instructional period at the same time and place.

(3) “Live and interactive courses given via electronic means” is defined as a synchronous learning format consisting of lectures, webinars, workshops, or conferences delivered via the internet, computer networks, or other technology in real-time which allow for participatory interaction between the licensee and the instructor attending and presenting the content during the instructional period at the same time through an audio and video connection.

(4) “Distance learning” is defined in Section 363.1, subdivision (a).

(b) To apply for Board approval of a continuing education course, a provider must complete and submit a “New Continuing Education Course Application” form (Form No. BCE203, Rev. 04/2023), which is hereby incorporated by reference, and pay the non-refundable application fee specified in Section 360, subdivision (c)(1), at least sixty (60) calendar days prior to the first date of the course.

(c) The following documentation shall be submitted with each New Continuing Education Course Application:

(1) A detailed course description, including the course learning objectives, participant learning outcomes, course schedule, An hourly breakdown of the continuing education course content with the instructor(s) identified, and learning format(s) which shall be: In-person learning experience, Live and Interactive courses given via electronic means, and/or Distance learning;

(2) A list containing a description of and citation to all journal articles, studies, publications, textbooks, and other reference materials relied upon in the development of the course content;

(3) A detailed description of the provider's method or system for tracking course attendance and participation, including a sample attendance report;

(4) The name(s) of the individual(s) or organization(s), if any, who have underwritten or subsidized the course;

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

(36) A copy of ~~all advertising and promotional material to be used for the course,~~ including a link to any web-based material ~~brochure and all other promotional material to be used;~~

(47) A curriculum vitae for each instructor including 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;

(8) A completed "Continuing Education Instructor Attestation" form (Form No. BCE204, 12/2022), which is hereby incorporated by reference, for each instructor;

(9) An example of any course examinations that will be administered during or at the conclusion of the course; and

(10) An example of the course certificate of completion that meets the requirements specified in Section 362, subdivision (d)(6).

(d) COURSE APPROVAL PROCESS: Within fifteen (15) calendar days of receipt of an application, the Board's staff shall review the application package to determine if the application is complete or deficient. Board staff shall notify the provider in writing of any deficiencies in the application and provide a deadline of ninety (90) calendar days to resolve the identified deficiencies. If a provider fails to resolve the deficiencies in the application within this timeframe, the application shall be deemed to be abandoned.

Within thirty (30) calendar days of receipt of a complete course application, Board staff will determine whether to approve or deny the course and issue the determination to the provider in writing notifying the provider of the course approval with the course approval number, expiration of the approval period, number of approved hours, and approved competency area, or the reason(s) for the course denial.

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

The Executive Officer shall schedule the informal hearing within thirty (30) calendar days of receipt of the appeal request by coordinating a mutually agreeable date, time, and location with the provider and transmitting a notice of hearing to the provider with the agreed upon hearing date, time, and location. Within ten (10) calendar days following the informal hearing, the Executive Officer shall provide written notification of his or her their decision to the ~~denied applicant~~ provider. If the Executive Officer upholds a denial under this section, the ~~applicant provider~~ provider may, within thirty (30) calendar days of the date of the Executive Officer's denial notification, request a hearing before the ~~Board~~ Board to appeal the denial. The Executive Officer shall schedule the requested hearing at a future ~~Board~~ Board meeting but not later than one hundred eighty (180) calendar days following receipt of the request.

Within ~~40~~ sixty (60) calendar days of following the provider's hearing before the ~~Board~~ Board, the Executive Officer ~~or their designee shall provide written notification of~~ serve the Board's decision to the applicant provider by certified mail and email. The ~~Board's~~ Board's decision shall be the final order in the matter.

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

(1) Providers shall ensure the course content and instructional materials are current, relevant, and based on the knowledge, skills, and abilities necessary for the competent practice of chiropractic in California.

(2) Courses shall be taught by instructors with knowledge and expertise in the content presented, as demonstrated on the instructor's curriculum vitae (CV) and

determined to be sufficient by the Board by taking into account the instructor's education, professional licensure, postgraduate training or specialty certification, and years of experience. Instructors shall use a variety of teaching techniques to enhance mastery of knowledge and skills through visual, auditory, and participatory learning pertinent to the competency area and course topic.

~~(1)~~ (3) 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)~~ (4) Each hour of continuing education credit shall be based on at least fifty (50) minutes of participation in an organized learning experience. ~~Class~~ Course breaks shall be at the discretion of the instructor and shall not count towards a course hour.

(5) Providers of courses provided through an in-person learning experience shall furnish a sign-in sheet 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. Furthermore, the form shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they personally attended the stated course, on the listed date(s) and they personally attended the listed hours of coursework. Each licensee shall be responsible for signing the "sign-in sheet" at the start and conclusion of each day's coursework, and failure to do so may shall invalidate credit for that day's coursework, unless the provider or instructor attests, under penalty of perjury, that the licensee personally attended the listed hours of coursework. Providers shall retain sign-in sheets and provider or instructor attestations, if applicable, for four (4) years from the date of course completion and shall provide copies to the Board within thirty (30) calendar days upon from the date of the Board's written request.

(6) Providers of live and interactive courses given via electronic means shall:

(A) Establish measures for licensee participatory interaction, including participant attendance reports, in-content quizzes, participant polls, real-time participant audio and video requirements, and records of participant log in and log out times. Providers shall retain those records for four (4) years from the date of course completion and shall provide copies to the Board within thirty (30) calendar days from the date of the Board's written request.

(B) Provide written notice to the licensee prior to enrolling in the course regarding the technology requirements to successfully participate in the course, including any hardware, software, internet connection speed, or browser requirements.

(C) Make technical assistance available to the licensee throughout the duration of the course to answer questions regarding the course, such as web links to resources that can provide the licensee an immediate response, providing current contact information for instructors that would allow a licensee to email or

instant message an instructor and get an immediate response, and/or establishing online discussion boards for sharing real-time messages and questions with instructors and participants.

(7) Courses in the competency areas of Competency 1: Evaluation and Management and Competency 3: Adjustment, Manipulation, or Technique, as specified in Section 361, subdivision (f)(1) and (3), shall be conducted through an in-person learning experience or a live and interactive course given via electronic means. Courses in these competency areas shall not be approved for distance learning.

(8) Any physical activities conducted during a course must support the curricular objectives of the course. Any unrelated physical activities will not be approved for continuing education credit.

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

~~(g)~~ (h)(1) A provider shall not modify any course date(s) or location(s) or make any substantive changes to a course without first obtaining the Board's written authorization. A "substantive change" is defined as any change in the course description, learning objectives, hourly breakdown of the course content, instructor(s), learning format(s), attendance tracking method or system, the individual(s) or organization(s) who have underwritten or subsidized the course, course syllabus that will be provided to participants, advertising or promotional material to be used for the course, and certificate of completion.

(2) To modify the course date(s) and/or location(s) of an approved course, a provider shall complete and submit a "Request to Change Continuing Education Course Date(s) or Location(s)" form (Form No. BCE205, 01/2023), which is hereby incorporated by reference. Within fifteen (15) calendar days of receipt of a completed request, Board staff will notify the provider in writing of the Board's authorization or denial of the requested change(s) to the course date(s) and/or location(s).

(3) If a provider plans to makes a substantive change in content of an to an approved course, he or she the provider shall notify the board as soon as possible of the changes prior to giving the course complete and submit a "Request for Authorization of Changes to Continuing Education Course" form (Form No. BCE206, 01/2023), which is hereby incorporated by reference. A new course application may be required as determined by the Executive Officer. Within thirty (30) calendar days of receipt of a completed authorization request, Board staff will notify the provider in

writing of the Board's authorization or denial of the requested change(s) to the approved course.

(i) To apply for reapproval of a continuing education course that has been previously approved by the Board pursuant to subdivision (d), a provider must complete and submit an "Application for Reapproval of a Continuing Education Course" form (Form No. BCE207, 01/2023), which is hereby incorporated by reference, and pay the non-refundable application fee specified in Section 360, subdivision (c)(2). Within thirty (30) calendar days of receipt of a completed application, Board staff will notify the provider in writing of the Board's approval of the application and three-year extension of the course approval period, or the reason(s) for the denial of the application.

~~(h)~~ (j) 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~~ submitted to the Board in writing within thirty (30) calendar days of the date of the notification. The Executive Officer shall schedule the informal hearing within thirty (30) calendar days of receipt of the appeal request by coordinating a mutually agreeable date, time, and location with the provider and transmitting a notice of hearing to the provider with the agreed upon hearing date, time, and location. Within ~~ten (10)~~ ten (10) calendar days following the informal hearing, the Executive Officer shall provide written notification of ~~his or her~~ their decision to the provider. If the Executive Officer upholds ~~his or her~~ their decision under this ~~subsection~~ subdivision, the provider may, within thirty (30) calendar days of the date of the Executive Officer's notification, request a hearing before the ~~Board~~ Board to appeal the Executive Officer's decision. The Executive Officer shall schedule the requested hearing at a future ~~Board~~ Board meeting but not later than one hundred eighty (180) calendar days following receipt of the request. Within ~~40~~ sixty (60) calendar days ~~of following the provider's hearing before the Board,~~ the Executive Officer or their designee shall ~~provide written notification of~~ serve the ~~Board's~~ Board's decision to the provider by certified mail and email. The ~~Board's~~ Board's decision shall be the final order in the matter.

NOTE: Authority cited: Sections ~~4000-4(b) and 4000-(4)(e), Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).
Reference: Sections ~~4000-4(b) and 4000-10(a), Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 363.1. Distance Learning Courses.

(a) "Distance learning" is defined as a form of asynchronous learning conducted online or outside of a classroom and that does not offer participatory interaction between the licensee and the instructor during the instructional period.

(b) In addition to the applicable requirements of Sections 362 and 363, providers of continuing education courses offered through distance learning formats, including, but not limited to, programs or applications on a data-enabled device, such as a computer, tablet, or smart phone; Internet; manuals; compact disks; digital video; versatile discs; and audio and video tapes, shall meet all of the following:

(a) (1) Disclose course instructors' curriculum vitae or resumes.

(b) (2) Explain the appropriate level of technology required for a student licensee to successfully participate in the course.

(c) (3) Make available technical assistance as appropriate to the format.

(d) (4) Contain security measures to protect the learner's identity, course and related content from unauthorized access.

(e) (5) Establish a deadline for successful completion of the course through a requirement that a licensee must pass a test of the subject matter. The test may include:

(A) An interactive test where the licensee submits answers electronically to the educational provider and receives instant feedback on whether the answer chosen by the licensee is correct and why, and whether the licensee has passed the test; or

(B) Completion of a self-assessment test by the licensee that must be submitted to the provider, graded, and returned to the licensee with the correct answers and an explanation of why the answer chosen by the licensee was correct or incorrect.

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

(g) (c) The continuing education provider shall notify the licensee when ~~he or she~~ the licensee is leaving a continuing education site and directed to a promotional or sponsored site. Course material ~~may~~ shall 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.

NOTE: Authority cited: Sections 4000-4(b) and 4000-4(e), ~~Business and Professions Code~~ of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

Reference: Section 4000-4(b) and 4000-10(a), ~~Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4xxxviii).

§ 364. Exemptions and Reduction of from Annual Continuing Education Requirement.

A licensee may qualify for a full or partial an exemption, from the annual continuing education requirements of Section 361 if a the licensee meets any of the criterion criteria 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, subdivision (f);

(b) A new licensee is exempt from continuing education requirements ~~in the year~~ during their period of initial licensure; which is defined as the period of time beginning on the date the license was first issued by the Board and ending on the initial license expiration date.

(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 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 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.~~

~~(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.~~

~~(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) (d) An active Board Member. A professional ~~b~~Board member who has served one full year on the Board of Chiropractic Examiners shall be exempt from the continuing education requirement in each year of ~~b~~Board member service.

(i) (e) A licensee ~~on~~ called to active duty with a branch of the armed forces as a member of the United States Armed Forces 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.

NOTE: Authority cited: Sections 114.3 and ~~135.5~~, of the Business and Professions Code; and Section ~~1000-4(b)~~, ~~Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4[xxxviii]). Reference: Sections 114.3 and ~~135.5~~, 702 of the Business and Professions Code; and Sections ~~1000-4(b)~~, ~~1000-4(e)~~, and ~~1000-10~~, ~~Business and Professions Code~~ (of the Chiropractic Initiative Act of California, Stats. 1923, p. 4[xxxviii]).



NEW CONTINUING EDUCATION PROVIDER APPLICATION

All questions on this application must be answered. Submit the completed application, supporting documentation (if applicable), and \$291.00 application fee at least thirty (30) days prior to a scheduled Board meeting. Please type or print neatly. All attachments are considered part of the application. The Board will not process incomplete applications.

Complete applications will be reviewed at the next available Board meeting and notification of the Board's decision will be sent to the continuing education provider within two (2) weeks following the meeting. Provider approval, if granted, will expire two years following the approval date, unless renewed by the provider.

Section I. Continuing Education Provider Information

<u>Provider's Name:</u>		
<u>Street Address:</u>		
<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Website:</u>		
<u>Entity Type:</u>		
<input type="radio"/> <u>Individual</u>	<input type="radio"/> <u>Government Agency</u>	
<input type="radio"/> <u>Corporation</u>	<input type="radio"/> <u>Health Facility</u>	
<input type="radio"/> <u>Partnership</u>	<input type="radio"/> <u>University/College</u>	
<input type="radio"/> <u>Professional Association</u>		
<u>Provide the mission statement of the continuing education program and describe the program's purpose and objectives.</u>		

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New Continuing Education Provider Application
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Section II. Continuing Education Oversight Contact Person

<u>Name of Contact Person:</u>	
<u>Telephone Number:</u>	<u>Email Address:</u>

Section III. Designated Representative – Individual Responsible for Signing Certificates of Completion

<u>Name of Designated Representative:</u>	
<u>Telephone Number:</u>	<u>Email Address:</u>

Section IV. Individuals in Control of Provider’s Continuing Education Program

List the name(s), position(s) or title(s), and California Board of Chiropractic license number(s), if applicable, of all individuals who are in control of the provider’s continuing education program.

<u>Name</u>	<u>Position/Title</u>	<u>BCE License No. (if applicable)</u>

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New Continuing Education Provider Application
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Section VI. Criminal and Disciplinary History

1. Have any of the individuals identified in Sections II, III, and IV above been convicted of a crime within the past seven years?
 Yes No

2. Have any of the individuals identified in Sections II, III, and IV above ever been convicted of a serious felony, as defined in Penal Code section 1192.7, or a crime for which registration is required pursuant to Penal Code section 290, subdivision (d)(2) or (3)?
 Yes No

3. Have any of the individuals identified in Sections II, III, and IV above been subjected to formal discipline by any licensing board within the past seven years?
 Yes No

4. Have any of the individuals identified in Sections II, III, and IV above been previously denied approval to offer continuing education by the California Board of Chiropractic Examiners or any other board or bureau within the California Department of Consumer Affairs?
 Yes No

***If you answered "Yes" to any of the questions within this section, please attach a detailed explanation of each applicable criminal conviction and/or disciplinary action to this application.**

Declaration and Signature

I hereby certify that the information provided is true, correct, and complete to the best of my knowledge. I also certify that I personally read and completed this attestation, have read the instructions, and am authorized by the continuing education provider to submit this application.

Signature of Authorized Representative: _____

Name and Title: _____

Date: _____



CONTINUING EDUCATION PROVIDER RENEWAL APPLICATION

All questions on this application must be answered. Submit the completed application, supporting documentation (if applicable), and \$118.00 renewal fee by the expiration date of the continuing education provider status. The Board will not process incomplete applications.

Failure to file a completed continuing education provider renewal application by the expiration date of the Board-approved provider status will result in the Board's automatic withdrawal of approval of all continuing education courses associated with the provider.

Section I. Continuing Education Provider Information

<u>Provider's Name:</u>		
<u>Street Address:</u>		
<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Website:</u>		
<u>BCE-Issued Provider Number:</u>	<u>Expiration Date of Provider Status:</u>	

Section II. Certification by Continuing Education Provider

Have there been any unreported changes to the provider entity type, oversight contact person, designated representative, or individual(s) in control of the continuing education program?

Yes* No

*If you answered Yes, attach a completed "Request for Authorization of Changes to Continuing Education Provider Approval" form (Form No. BCE202, 12/2022) to this renewal application.

Section III. Criminal and Disciplinary History

1. Within the previous approval period, has the oversight contact person, designated representative, or any individual in control of the continuing education program been convicted of a crime?

Yes No

Board of Chiropractic Examiners
Continuing Education Provider Renewal Application
Page 2 of 2

2. Within the previous approval period, has the oversight contact person, designated representative, or any individual in control of the continuing education program been subjected to formal discipline by any licensing board?

Yes No

3. Within the previous approval period, has the oversight contact person, designated representative, or any individual in control of the continuing education program been denied approval to offer continuing education by any other board or bureau within the California Department of Consumer Affairs?

Yes No

***If you answered “Yes” to any of the questions within this section, please attach a detailed explanation of each applicable criminal conviction and/or disciplinary action to this application.**

Declaration and Signature

I hereby certify that the information provided is true, correct, and complete to the best of my knowledge. I also certify that I personally read and completed this attestation, have read the instructions, and am authorized by the continuing education provider to submit this application.

Signature of Authorized Representative: _____

Name and Title: _____

Date: _____



REQUEST FOR AUTHORIZATION OF CHANGES TO CONTINUING EDUCATION PROVIDER APPROVAL

Continuing education providers must obtain written authorization from the Board for any changes to the entity type, oversight contact person, designated representative, and/or individual(s) in control of the continuing education program prior to the implementation of the change(s).

Requested Change(s):

- Entity Type** – Complete Sections I, IV, V, and VI.
- Oversight Contact Person** – Complete Sections I, II, V, and VI.
- Designated Representative** – Complete Sections I, III, V, and VI.
- Individual(s) in Control of Program** – Complete Sections I, IV, V, and VI.

Section I. Continuing Education Provider Information

<u>Provider's Name:</u>		
<u>Street Address:</u>		
<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Website:</u>		
<u>Entity Type:</u>		
<input type="radio"/> <u>Individual</u>	<input type="radio"/> <u>Government Agency</u>	
<input type="radio"/> <u>Corporation</u>	<input type="radio"/> <u>Health Facility</u>	
<input type="radio"/> <u>Partnership</u>	<input type="radio"/> <u>University/College</u>	
<input type="radio"/> <u>Professional Association</u>		

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Request for Authorization of Changes to Continuing Education Provider Approval
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Section II. Continuing Education Oversight Contact Person

Add New Contact Person

<u>Name of Contact Person:</u>	
<u>Telephone Number:</u>	<u>Email Address:</u>

Remove Previous Contact Person

<u>Name of Contact Person:</u>

Section III. Designated Representative – Individual Responsible for Signing Certificates of Completion

Add New Designated Representative

<u>Name of Designated Representative:</u>	
<u>Telephone Number:</u>	<u>Email Address:</u>

Remove Previous Designated Representative

<u>Name of Designated Representative:</u>
--

Board of Chiropractic Examiners
Request for Authorization of Changes to Continuing Education Provider Approval
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Section IV. Individuals in Control of Provider's Continuing Education Program

Add New Individual(s) in Control of Program

<u>Name</u>	<u>Position/Title</u>	<u>BCE License No. (if applicable)</u>

Remove Individual(s) Previously in Control of Program

<u>Name</u>	<u>Position/Title</u>	<u>BCE License No. (if applicable)</u>

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Request for Authorization of Changes to Continuing Education Provider Approval
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Section VI. Criminal and Disciplinary History

1. Have any of the individuals added in Sections II, III, and/or IV above been convicted of a crime within the past seven years?
 Yes No Not Applicable

2. Have any of the individuals added in Sections II, III, and/or IV above ever been convicted of a serious felony, as defined in Penal Code section 1192.7, or a crime for which registration is required pursuant to Penal Code section 290, subdivision (d)(2) or (3)?
 Yes No Not Applicable

3. Have any of the individuals added in Sections II, III, and/or IV above been subjected to formal discipline by any licensing board within the past seven years?
 Yes No Not Applicable

4. Have any of the individuals added in Sections II, III, and/or IV above been previously denied approval to offer continuing education by the California Board of Chiropractic Examiners or any other board or bureau within the California Department of Consumer Affairs?
 Yes No Not Applicable

***If you answered "Yes" to any of the questions within this section, please attach a detailed explanation of each applicable criminal conviction and/or disciplinary action to this application.**

Declaration and Signature

I hereby certify that the information provided is true, correct, and complete to the best of my knowledge. I also certify that I personally read and completed this attestation, have read the instructions, and am authorized by the continuing education provider to submit this application.

Signature of Authorized Representative: _____

Name and Title: _____ **Date:** _____



NEW CONTINUING EDUCATION COURSE APPLICATION

Note: You must be a Board-approved continuing education provider, or a provider recognized by the Federation of Chiropractic Licensing Boards (FCLB) Providers of Approved Continuing Education (PACE) program, to submit this application.

All questions on this application must be answered. Submit the completed application, supporting documentation, and application fee at least sixty (60) days prior to the first requested course date. Please type or print neatly. All attachments are considered part of the application. The Board will not process incomplete applications. Providers must complete and submit a separate application for each continuing education course offered.

Complete applications will be reviewed within thirty (30) days of receipt by the Board and you will be notified of the approval or denial of the requested course. Course approval, if granted, will expire three years following the approval date.

Section I. Continuing Education Provider Information

<u>Provider's Name:</u>		
<u>Street Address:</u>		
<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Provider's Website:</u>		

Section II. Contact Person for Continuing Education Course Application

<u>Name of Contact Person:</u>	
<u>Telephone Number:</u>	<u>Email Address:</u>

Section III. Course Information

Course Title:

Competency Area: (Select One)

- **Competency 1: Evaluation and Management.** This competency is defined as instruction in one or more of the components of evaluation and management services for new and established patients, including a case-appropriate history; examination; diagnosis; medical decision making; clinical reasoning skills; recognition of contraindications; development, implementation, and monitoring of the treatment and care plan; discussion of risks of proposed care; and/or receipt of the patient's informed consent.
- **Competency 2: Documentation, Record Keeping, and Coding.** This competency is defined as instruction in the applicable documentation, record keeping, and/or coding requirements for patient encounters.
- **Competency 3: Adjustment, Manipulation, or Technique.** This competency area is defined as instruction in the assessment of clinical indications, recognition of risk factors, and safe performance of chiropractic adjustment, manipulation, or technique procedures currently recognized and taught by a chiropractic college in a doctor of chiropractic degree program accredited by the Council on Chiropractic Education (CCE) and approved by the Board.
- **Competency 4: Ethics, Law, and Professional Boundaries.** This competency area is defined as instruction in the principles of ethics, chiropractic laws and regulations, and/or professional boundaries, and their application to the practice of chiropractic.
- **Competency 5: Electives.** This competency area is defined as instruction in general education topics related to the current knowledge, skills, and abilities necessary for competent practice of chiropractic in California.

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New Continuing Education Course Application
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Course Learning Format: (Select All That Apply)

- In-Person Learning Experience.** This synchronous learning format consists of in-person lectures, in-person workshops, in-person demonstrations, or in-person classroom studies which allow for participatory interaction between the licensee and the instructor during the instructional period at the same time and place.

- Live and Interactive Course Given via Electronic Means.** This synchronous learning format consists of lectures, webinars, workshops, or conferences delivered via the internet, computer networks, or other technology in real-time which allow for participatory interaction between the licensee and the instructor attending and presenting the content during the instructional period at the same time through an audio and video connection.

- Distance Learning (Note: Courses in Competency 1 or 3 will not be approved for distance learning).** This form of asynchronous learning is conducted online or outside of a classroom and does not offer participatory interaction between the licensee and the instructor during the instructional period.

Number of Hours of Instruction:

Course Application Fee:

Total Hours Applied for (_____) x \$116.00 per Hour = _____

Section V. Instructor Information

<u>Name</u>	<u>Degree(s) Earned</u>	<u>Topic(s) of Instruction from Course Outline</u>

Section VI. Required Documentation

Provide the following supporting documentation with this application:

- A detailed course description, including the course learning objectives, participant learning outcomes, course schedule, an hourly breakdown of the course content with the instructor(s) identified, and learning format(s) which shall be: In-person learning experience, Live and Interactive courses given via electronic means, and/or Distance learning.
- A list containing a description of and citation to all journal articles, studies, publications, textbooks, and other reference materials relied upon in the development of the course content.
- A detailed description of the provider’s method or system for tracking course attendance and participation, including a sample attendance report.
- The name(s) of the individual(s) or organization(s), if any, who have underwritten or subsidized the course.
- A final copy of the course syllabus that will be provided to participants containing the course name, date, and location of the course, instructor(s) name, course description, educational objectives, teaching methods, course schedule/outline, recommended reading, and disclosure of expenses underwritten or subsidized by vendors of any goods, supplies, or services.

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New Continuing Education Course Application
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- A copy of all advertising and promotional material to be used for the course, including a link to any web-based material.
- A curriculum vitae (CV) for each instructor including 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 other relevant experience; and the title, journal, and date of publications.
- A completed "Continuing Education Instructor Attestation" form (Form No. BCE204, 12/2022) for each instructor listed in Section V.
- An example of any course examinations that will be administered during or at the conclusion of the course.
- An example of the course certificate of completion that meets the requirements specified in California Code of Regulations, title 16, section 362, subdivision (d)(6).

Section VII. Continuing Education Provider Certification

Please initial in the space provided to confirm the provider's understanding and agreement to the following certification statements:

_____ The course content and instructional materials are current, relevant, and based on the knowledge, skills, and abilities necessary for the competent practice of chiropractic in California.

_____ The course is taught by an instructor(s) with knowledge and expertise in the content presented. The instructor(s) will use a variety of teaching techniques to enhance mastery of knowledge and skills through visual, auditory, and participatory learning pertinent to the competency area and course topic.

_____ The course is offered in a fair, accessible, and unbiased manner that does not unreasonably exclude participants.

_____ The course does not contain financial management, income generation, practice building, collections, self-motivation, patient recruitment, business techniques or principles that teach concepts to increase patient visits or patient billings per visit, and/or topics outside the scope of practice of chiropractic as defined in California Code of Regulations, title 16, section 302.

_____ The provider will provide certificates of completion to participants within thirty (30) days following completion of the course. In addition, the provider will retain records

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New Continuing Education Course Application
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of course completion for four (4) years and provide those records to the Board within thirty (30) days upon written request.

The provider and instructor(s) will not advertise, market, or display materials or items for sale while instruction is taking place.

The provider will obtain the Board's written authorization prior to making any substantive changes to the course.

Declaration and Signature

I hereby certify that the information provided is true, correct, and complete to the best of my knowledge. I also certify that I personally read and completed this attestation, have read the instructions, and am authorized by the continuing education provider to submit this application.

Signature of Authorized Representative: _____

Name and Title: _____

Date: _____



CONTINUING EDUCATION INSTRUCTOR ATTESTATION

This form must be completed by the continuing education instructor and submitted by the continuing education provider with an application for approval of a continuing education course or to add a new instructor to a Board-approved course.

<u>Instructor's Name:</u>
<u>Name of Continuing Education Provider:</u>
<u>Course Title:</u>
<u>Course Approval Number (if applicable):</u>

License Information

1. Are you currently, or have you ever been, licensed by the California Board of Chiropractic Examiners?
 - Yes License Number: DC
 - No
2. Are you currently, or have you ever been, licensed by another state or federal licensing agency?
 - Yes* No

*If you answered Yes, please provide the following information for each license:

<u>Jurisdiction</u>	<u>License Number</u>	<u>Issue Date</u> <u>(MM/DD/YYYY)</u>	<u>Expiration Date</u> <u>(MM/DD/YYYY)</u>

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Continuing Education Provider Attestation
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Criminal and Disciplinary History

3. Have you been convicted of a crime within the past seven years?

Yes No

4. Have you ever been convicted of a serious felony, as defined in Penal Code section 1192.7, or a crime for which registration is required pursuant to Penal Code section 290, subdivision (d)(2) or (3)?

Yes No

5. Have you been subjected to formal discipline by any licensing board within the past seven years?

Yes No

***If you answered "Yes" to Question 3, 4, and/or 5, please attach a detailed explanation of each applicable criminal conviction and/or disciplinary action to this form.**

Declaration and Signature

I hereby certify that the information provided is true, correct, and complete to the best of my knowledge. I also certify that I personally read and completed this attestation and have read the instructions.

Instructor's Signature: _____ **Date:** _____



REQUEST TO CHANGE CONTINUING EDUCATION COURSE DATE(S) OR LOCATION(S)

Continuing education providers must obtain written authorization from the Board for any modification to the dates or locations of Board-approved continuing education courses prior to the implementation of the change(s).

Section I. Continuing Education Provider Information

<u>Provider's Name:</u>		
<u>Street Address:</u>		
<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Provider's Website:</u>		

Section II. Course Information

<u>Course Title:</u>	
<u>Course Approval Number:</u>	<u>Expiration Date of Course Approval:</u>

Section III. Course Date(s) and Location(s)

<u>Requested Action (Add, Modify, or Remove)</u>	<u>Course Date(s)</u>	<u>Course Location(s)</u> <u>Provide the street address, city, state, and zip code for each in-person course location. For all other courses, provide the location where the course can be accessed, such as a web address.</u>



REQUEST FOR AUTHORIZATION OF CHANGES TO CONTINUING EDUCATION COURSE

Continuing education providers must obtain written authorization from the Board for any substantive changes to a Board-approved continuing education course prior to the implementation of the change(s).

Any changes to the course title or Board-approved competency area, or significant changes to the course content, as determined by the Board, will require the completion and submission of a New Continuing Education Course Application (Form No. BCE203, Rev. 01/2023).

Section I. Continuing Education Provider Information

<u>Provider's Name:</u>		
<u>Street Address:</u>		
<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Provider's Website:</u>		

Section II. Course Information

<u>Course Title:</u>	
<u>Course Approval Number:</u>	<u>Expiration Date of Course Approval:</u>

Section III. Changes Requested

<input type="checkbox"/> <u>Course Description or Learning Objectives</u>	<input type="checkbox"/> <u>Attendance Tracking Method/System</u>
<input type="checkbox"/> <u>Breakdown of Course Content</u>	<input type="checkbox"/> <u>Course Syllabus or Promotional Material</u>
<input type="checkbox"/> <u>Instructor(s)</u>	<input type="checkbox"/> <u>Certificate of Completion</u>
<input type="checkbox"/> <u>Learning Format(s)</u>	<input type="checkbox"/> <u>Other (Attach a description of requested changes)</u>

Board of Chiropractic Examiners
Request for Authorization of Changes to Continuing Education Course
Page 2 of 4

Section IV. Instructor Information

<u>Action Requested (Add, Modify, or Remove)</u>	<u>Name</u>	<u>Degree(s) Earned</u>	<u>Topic(s) of Instruction from Course Outline</u>

Section V. Required Documentation

Provide the following supporting documentation with this application as applicable to the requested changes to the course:

- A detailed course description, including the course learning objectives, participant learning outcomes, course schedule, an hourly breakdown of the course content with the instructor(s) identified, and learning format(s).
- A detailed description of the provider’s method or system for tracking course attendance and participation, including a sample attendance report.
- The name(s) of the individual(s) or organization(s), if any, who have underwritten or subsidized the course.
- A final copy of the course syllabus that will be provided to participants containing the course name, date, and location of the course, instructor(s) name, course description, educational objectives, teaching methods, course schedule/outline, recommended reading, and disclosure of expenses underwritten or subsidized by vendors of any goods, supplies, or services.
- A copy of all advertising and promotional material to be used for the course, including a link to any web-based material.

Board of Chiropractic Examiners

Request for Authorization of Changes to Continuing Education Course

Page 3 of 4

- A curriculum vitae (CV) for each new instructor including 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 other relevant experience; and the title, journal, and date of publications.
- A completed "Continuing Education Instructor Attestation" form (Form No. BCE204, 12/2022) for each instructor listed in Section IV.
- An example of the course certificate of completion that meets the requirements specified in California Code of Regulations, title 16, section 362, subdivision (d)(6).

Section VI. Continuing Education Provider Certification

Please initial in the space provided to confirm the provider's understanding and agreement to the following certification statements:

_____ The course content and instructional materials are current, relevant, and based on the knowledge, skills, and abilities necessary for the competent practice of chiropractic in California.

_____ The course is taught by an instructor(s) with knowledge and expertise in the content presented. The instructor(s) will use a variety of teaching techniques to enhance mastery of knowledge and skills through visual, auditory, and participatory learning pertinent to the competency area and course topic.

_____ The course is offered in a fair, accessible, and unbiased manner that does not unreasonably exclude participants.

_____ The course does not contain financial management, income generation, practice building, collections, self-motivation, patient recruitment, business techniques or principles that teach concepts to increase patient visits or patient billings per visit, and/or topics outside the scope of practice of chiropractic as defined in California Code of Regulations, title 16, section 302.

_____ The provider will provide certificates of completion to participants within thirty (30) days following completion of the course. In addition, the provider will retain records of course completion for four (4) years and provide those records to the Board within thirty (30) days upon written request.

_____ The provider and instructor(s) will not advertise, market, or display materials or items for sale while instruction is taking place.

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Request for Authorization of Changes to Continuing Education Course
Page 4 of 4

_____ The provider will obtain the Board's written authorization prior to making any substantive changes to the course.

Declaration and Signature

I hereby certify that the information provided is true, correct, and complete to the best of my knowledge. I also certify that I personally read and completed this attestation, have read the instructions, and am authorized by the continuing education provider to submit this application.

Signature of Authorized Representative: _____

Name and Title: _____

Date: _____



APPLICATION FOR REAPPROVAL OF A CONTINUING EDUCATION COURSE

All questions on this application must be answered. All attachments are considered part of the application. The Board will not process incomplete applications.

Complete applications will be reviewed within thirty (30) days of receipt by the Board and the provider will be notified of the three-year extension of the approval period or the denial of the application.

Section I. Continuing Education Provider Information

<u>Provider's Name:</u>		
<u>Street Address:</u>		
<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>Provider's Website:</u>		

Section II. Contact Person for Continuing Education Course Application

<u>Name of Contact Person:</u>	
<u>Telephone Number:</u>	<u>Email Address:</u>

Section III. Course Information

<u>Course Title:</u>	
<u>Course Approval Number:</u>	<u>Expiration Date of Course Approval:</u>

Section V. Continuing Education Provider Certification

1. Are there any unreported or planned changes to the course description, learning objectives, hourly breakdown of the course content, instructor(s), learning format(s), the individual(s) or organization(s) who have underwritten or subsidized the course, course syllabus that will be provided to participants, advertising or promotional material to be used for the course, or certificate of completion?

- Yes* No

*If you answered Yes, attach a completed "Request for Authorization of Changes to Continuing Education Course" form (Form No. BCE206, 01/2023) to this application.

2. Provide the following supporting documentation with this application:

- A detailed description of the updates that have been made to the course content and instructional materials since the Board's last review of the course.
- An updated list containing a description of and citation to all journal articles, studies, publications, textbooks, and other reference materials relied upon in the development of the course content.

3. Please initial in the space provided to confirm the provider's understanding and agreement to the following certification statements:

_____ The course content and instructional materials are current, relevant, and based on the knowledge, skills, and abilities necessary for the competent practice of chiropractic in California.

_____ The course is taught by an instructor(s) with knowledge and expertise in the content presented. The instructor(s) will use a variety of teaching techniques to enhance mastery of knowledge and skills through visual, auditory, and participatory learning pertinent to the competency area and course topic.

_____ The course is offered in a fair, accessible, and unbiased manner that does not unreasonably exclude participants.

_____ The course does not contain financial management, income generation, practice building, collections, self-motivation, patient recruitment, business techniques or principles that teach concepts to increase patient visits or patient billings per visit, and/or topics outside the scope of practice of chiropractic as defined in California Code of Regulations, title 16, section 302.

_____ The provider will provide certificates of completion to participants within thirty (30) days following completion of the course. In addition, the provider will retain records

Board of Chiropractic Examiners
Application for Reapproval of a Continuing Education Course
Page 4 of 4

of course completion for four (4) years and provide those records to the Board within thirty (30) days upon written request.

The provider and instructor(s) will not advertise, market, or display materials or items for sale while instruction is taking place.

The provider will obtain the Board's written authorization prior to making any substantive changes to the course.

Declaration and Signature

I hereby certify that the information provided is true, correct, and complete to the best of my knowledge. I also certify that I personally read and completed this attestation, have read the instructions, and am authorized by the continuing education provider to submit this application.

Signature of Authorized Representative: _____

Name and Title: _____

Date: _____

Continuing Education Provider Application

→ ~~APPLICATION (Provider approval shall expire two years following the approval date)~~

- ~~New CE Provider Applications~~ - Submit a complete application package including one original application with the application fee of \$75.00.
- ~~CE Provider Biannual Biennial Renewal Reapplication~~ - Submit a complete application package including one original application with the application fee of \$50.00.

 **GENERAL INFORMATION**

~~Providers shall identify an individual responsible for overseeing all continuing education activities of the provider.~~

~~Providers shall retain records of course completion for four years from the date of course completion, and shall provide a course roster or records of course completion to the board, within 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 30 days may result in the withdrawal or denial of previous course approval and withdrawal of provider status.~~

~~Providers shall maintain course instructor curriculum vitae or resumes for four years.~~

~~Pursuant to California Code of Regulations, Section 362(f), the Executive Officer, after notification, may withdraw approval of any continuing education provider 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.~~

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260

Sacramento, California 95833-2931

Phone (916) 263-5355 FAX (916) 263-5369

Relay Service TT/TDD (800) 735-2929

Consumer-Compliant Hotline (866) 543-1311

www.chiro.ca.gov

**CONTINUING EDUCATION PROVIDER APPLICATION**

ALL questions on this application must be answered. **New CE Provider Applications** – Submit a complete application package including one original application with the application fee of \$75.00. **CE Provider Biennial Renewal Reapplication** – Submit a complete application package including one original application with the application fee of \$50.00. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. The Board will not process incomplete applications nor applications that do not include the correct application fee. Provider approval shall expire two years following the approval date.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Please check the appropriate box:

New CE Provider Application – \$75 **CE Provider Biennial Renewal Reapplication – \$50**

Provider's Name:

Street Address

City	State	Zip Code
------	-------	----------

CE Oversight Contact Person:	Telephone Numbers: Residence: () Business: ()	Email Address
------------------------------	---	---------------

Name of Provider's Designated Representative: (Individual responsible for signing certificates of course completion)

PROVIDER STATUS

<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Health Facility	<input type="checkbox"/> University/College
<input type="checkbox"/> Partnership	<input type="checkbox"/> Professional Association	<input type="checkbox"/> Government Agency	

Office Use Only

Receipt No.

Date cashiered

REV. 02/10)

Check Sheet

Continuing Education Course Application

APPLICATION (Complete one application for each course title per year)

- Submit a complete application package including one original application with the application fee of \$50.00 and required documentation described below.

DOCUMENTATION

- Hourly breakdown of CE course
- Final copy of syllabus/course schedule—
[must include seminar name, seminar date/location, 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]
- Copy of course brochure and all other promotional material to be used
- Curriculum Vitae (CV) for each instructor—
[must include name; address; educational degree including college and year; license information including status and name of licensing agency; certification including status and name of certifying agency; type/location/years of practice experience; type/location/years of teaching experience; type/location/years of research experience; type/location/years of other relevant experience; title/journal/date of publications]

GENERAL INFORMATION

A course is defined in CCR § 363 as an approved program of coordinated instruction in any one of the subject areas as defined in Section 361(g) and given by an approved Provider. Once approved, a course may be given any number of times for one year following approval, with the single continuing education course fee paid one time annually by the Provider.

Course approval numbers will be assigned for all approved applications. Use this number on all correspondence, CE certificates and requests for cancellation or addition of dates or locations.

Instructor changes require prior notification to the Board with submission of a CV for that instructor.

You must immediately notify the Board of any changes that would affect the date or location of an approved course. Attach a copy of the course approval letter. Topic changes are not permitted and require a new application with fees and attachments.

Providers are required to furnish a sign-in sheet 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. The sign-in sheet shall state that a licensee by signing their name on that sheet, is declaring under penalty of perjury, that they personally attended the stated course, on the listed date(s) and they personally attended the listed hours of coursework.

Providers shall complete and provide a certificate of completion to licensees who completed the CE course within 30 days following completion of the CE course. The certificate shall include the name and address of the provider, course title, course approval number, date(s) and location of the course, licensee name, licensee number, printed name and signature of the provider's designated representative, the number of hours the licensee earned in CE, including the type of mandatory hours and whether the hours were taken through distance learning or classroom learning. DO NOT distribute blank or incomplete certificates of completion to attendees. Please DO NOT send copies of certificates of completion to the Board, unless requested to do so. A sample certificate of completion is attached to the application.

Pursuant to California Code of Regulations, Section 363(f), 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.

Board of Chiropractic Examiners

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**CONTINUING EDUCATION COURSE APPLICATION****Must be a Board approved provider before completing this application.**

ALL questions on this application must be answered. Please submit the completed application, supporting documentation and check or money order in the amount of \$50.00 for the application fee at least 45 days prior to the first scheduled course date. Please type or print neatly. When space provided is insufficient, attach additional sheets of paper. All attachments are considered part of the application. Incomplete applications or applications with incorrect fees will be returned to the provider during the initial review process. Providers shall submit and complete one application for each CE course offered.

FALSIFICATION OR MISREPRESENTATION OF ANY ITEM OR RESPONSE ON THIS APPLICATION OR ANY ATTACHMENT HERETO IS SUFFICIENT BASIS FOR DENYING COURSE APPROVAL

Provider's Name		
Street Address		
City	State	Zip Code
Contact Person	Telephone Numbers: Residence: () Business: ()	Email Address

COURSE TITLE/TOPICS AND HOURS (if different topics are being taught simultaneously, approval for all hours must be obtained)

Title (Title will appear on the Board's web site.)

	Number of Hours	Classroom	Distance Learning
A) Mandatory Ethics and Law, History Taking and Physical Examination Procedures, Chiropractic Adjustive Technique or Chiropractic Manipulation Techniques, Proper and Ethical Billing and Coding			
B) Other Courses Related to Chiropractic Philosophy of chiropractic, instruction in basic sciences, diagnostic testing procedures and differential diagnosis, pain management theory, physiotherapy, manipulation under anesthesia, special population care, adverse event avoidance, pharmacology, cardiopulmonary resuscitation, principles of practice, wellness, rehabilitation, public health			
C) Other (Describe)			

Office Use Only

Receipt No.

Date cashiered

INSTRUCTORS* (if more than one instructor teaches a particular subject (team teaching), list both on the same line)

Name	* Type of Degree(s)	License No./State issued** (if applicable)	Topic of Instruction (from list A-C on front page)	Hours

*If instructor holds a professional license, the Provider must ensure that the license is in good standing.

TOTAL HOURS 0.00

(This total should match with the front page)

COURSE DATE & LOCATION (attach additional sheet(s) if more space is needed)

Course Date(s)	City	State

~~SAMPLE CERTIFICATE~~

~~Provider's Name
Provider's Address
Provider's City, State and Zip Code
Provider's Phone Number Including Area Code~~

~~Course Title
Date of Course
Location of Course (City/State)
Board Approval No. CA-A-_____~~

I hereby verify that _____, License No. _____ has successfully completed:

Mandatory: _____ hours

Mandatory Topic: _____

Other: _____ hours

~~The Continuing Education hours identified above were earned through:~~

Distance Learning _____

Classroom Instruction _____

Signature of Provider's Designated Representative

Date

Print Name of Provider's Designated Representative



Agenda Item 18
April 20, 2023

Future Agenda Items

Purpose of the Item

At this time, members of the Board and the public may submit proposed agenda items for a future Board meeting.

The Board 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.]



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Agenda Item 19
April 20, 2023

Adjournment

Time: _____