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## 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, May 12, 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=mf869e5746644995722183d1649482927

#### If joining using the link above

Webinar number: 2498 681 3513 Webinar password: BCE05122023

#### If joining by phone

+1-415-655-0001 US Toll Access code: 249 868 13513 Passcode: 22305122

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: XXXXQmailinator.com.

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**Note:** Members of the public may also submit written comments to the Committee on any agenda item by Tuesday, May 9, 2023. Written comments should be directed to <u>chiro.info@dca.ca.gov</u> for Committee consideration.

## <u>AGENDA</u>

- 1. Call to Order / Roll Call / Establishment of a Quorum
- 2. Review and Possible Approval of February 24, 2023 Committee Meeting Minutes
- 3. Update on Board's Licensing Program
- 4. Review, Discussion, and Possible Recommendation Regarding Regulatory Proposal to Update the Chiropractic College Curriculum Requirements (amend California Code of Regulations [CCR], Title 16, section 331.12.2 and add CCR, Title 16, section 331.12.3)
- 5. Review, Discussion, and Possible Recommendation Regarding Chiropractic College Preceptorship and Postceptorship Clinical Experience Programs

#### 6. Public Comment for Items Not on the Agenda

<u>Note</u>: 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).]

#### 7. Future Agenda Items

<u>Note</u>: 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.]

#### 8. Adjournment

This agenda can be found on the Board's website at <u>www.chiro.ca.gov</u>. 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 <u>https://thedcapage.wordpress.com/webcasts/</u>. 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.

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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: <u>chiro.info@dca.ca.gov</u> 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.

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

For

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#### 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.

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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

Click on the bottom facing arrow located on the Mute/Unmute button.

From the pop-up window, select a different:

- Microphone option if participants can't hear you.
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#### If your microphone volume is too low or too high

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- From the pop-up window: Click on "Settings...":
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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.



#### Hand Raise Feature

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- 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.

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Jones, Shelly@DCA: Public comments today. We will be utilizing the question and answer feature in Webex

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Jones, Shelly@DCA: Public comments today. We will be utilizing the question and answer feature in Webex	<b>&gt;</b>   ·	<
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Agenda Item 1 May 12, 2023

## Call to Order / Roll Call / Establishment of a Quorum

#### Purpose of the Item

Pamela Daniels, D.C., Chair of the Board's Licensing Committee, will call the meeting to order. Roll will be called by Janette N.V. Cruz.

#### **Committee Members**

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





Agenda Item 2 May 12, 2023

## Review and Possible Approval of February 24, 2023 Committee Meeting Minutes

#### Purpose of the Item

The Committee will review and possibly approve the minutes of the previous meeting.

#### **Action Requested**

The Committee will be asked to make a motion to approve the February 24, 2023 Committee meeting minutes.

#### <u>Attachment</u>

• February 24, 2023 Licensing Committee Meeting Minutes (Draft)



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#### BOARD OF CHIROPRACTIC EXAMINERS LICENSING COMMITTEE MEETING MINUTES February 24, 2023

In accordance with the statutory provisions of Government Code section 11133, the Licensing Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on February 24, 2023.

#### **Committee Members Present**

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

#### Staff Present

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

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

Dr. Daniels called the meeting to order at 10:30 a.m. Ms. Cruz called the roll. All members were present, and a quorum was established.

#### 2. Review and Possible Approval of December 9, 2022 Committee Meeting Minutes

Motion: Dr. Daniels moved to approve the minutes of the December 9, 2022 Licensing Committee meeting.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

Vote: 2-0 (Dr. Daniels-AYE and Ms. Cruz-AYE).

Motion: Carried.

#### 3. Update on Board's Licensing Program

Ms. Walker updated the Committee on the implementation of the Connect system and shared that the next software release on February 28, 2023, will include refinements to

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the user dashboard and the ability for licensees to store their continuing education (CE) records in the system. She explained this functionality is the first step toward the Board's long-term goal of being able to achieve 100% compliance with CE requirements at the time of renewal through the collection of primary source verification directly from CE providers and automatically syncing that data with licensees' accounts in the system. She added that the full implementation of cashiering functionality has been delayed until spring 2023 due to the need for additional development by the vendor.

Dr. Daniels asked if there were any other obstacles besides the cashiering functionality. Ms. Walker replied that staff is conducting regression testing and the deployment is on track as scheduled. She also added that the delay of the cashiering functionality does not have a major impact on the Board because staff will continue with the existing, paper-based process until that functionality is ready.

Dr. Daniels asked how licensees will be notified of the new software release. Ms. Walker replied that staff will develop a series of short instructional videos to assist users in navigating the system. Ms. Cruz asked how users can access that information. Ms. Walker stated that staff is creating a Connect help page for the Board's website. Ms. Cruz asked if staff has identified the baseline system utilization rate and will be measuring improvements. Ms. Walker responded affirmatively and shared that the system utilization rate is currently about 30–35%, and staff's goal is to increase it to 80%. Dr. Daniels asked if users could access the Connect system via the Board's website. Ms. Walker explained that the Connect system can be accessed through a "Renew Online" button and staff is working on various improvements to the Board's website including a direct link to the Connect system from the Board's homepage.

Ms. Walker shared that staff has been reviewing the bills that have been introduced during the 2023-24 legislative session and has identified a few spot bills that may affect the Board's Licensing Program after they are amended. She indicated that staff is closely monitoring those bills and will keep the Committee updated at future meetings. She informed the Committee that there are eight pending regulatory proposals related to the Licensing Program, including the chiropractic college curriculum proposal that was returned to the Committee for further study and discussion. She noted staff is compiling additional background information on the curriculum and clinical program requirements at chiropractic colleges for discussion at the Committee's May 12, 2023 meeting.

Ms. Walker highlighted the Licensing Program statistics and noted the Board has continued to issue a significantly higher number of new satellite certificates compared to previous fiscal years. Ms. Cruz asked about trends in the number of applications received throughout the year. Ms. Walker explained that staff typically observes a high volume of new doctor of chiropractic license applications immediately preceding the spring and winter chiropractic college graduation dates.

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Ms. Cruz emphasized the importance of understanding the Board's current risks and trends in the licensee population. Ms. Walker noted the Board's primary source of revenue comes from the annual doctor of chiropractic license renewals and suggested that the Committee may wish to discuss whether the declining licensee population is impacting patients' access to care.

Dr. Daniels asked if the increase in new satellite certificates is a result of the pandemic. Ms. Walker stated it could be. Dr. Daniels referenced the licensee population data and noted a large portion of the population has been practicing for a very long time. Ms. Cruz shared that based on the data, the 10-year licensure mark appears to be an important decision point of continuing to practice.

Ms. Walker provided an update on the strategic plan objectives assigned to the Licensing Committee. She thanked Dr. Daniels for her leadership of the newly established committee and noted that Tammi Pitto has been temporarily assigned the role of committee liaison until the Board fills the vacant Lead Licensing Analyst position.

**Public Comment:** Falkyn Luouxmont thanked the Committee for keeping his requested edit to the chiropractic college curriculum regulations under consideration and suggested that the edit may increase the licensee population in California.

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)

Ms. Walker summarized a regulatory proposal to amend CCR, title 16, section 303 that would: 1) implement the requirement from Senate Bill 1434 (Roth, Chapter 623, Statutes of 2022) for the Board to collect licensee telephone numbers and email addresses for the Board's directory; and 2) provide consistency regarding the filing of a licensee's public address of record with the Board and an alternate physical address solely for the Board's internal administrative use when the address of record is a post office box or other private mailbox service.

Dr. Daniels noted the timeframe for licensees to notify the Board of changes to their contact information is being reduced from 30 days to 15 days, and any reference to that regulation on the Board's law examination would need to be updated. Ms. Walker explained that any changes to the Board's regulations are addressed during examination development activities and the timeframe was reduced to 15 days to ensure the Board has licensees' current contact information when sending timesensitive correspondence such as accusations and default decisions. Dr. Daniels emphasized the need to provide outreach to licensees after the change is made. Ms. Cruz asked if the Board shares this type of information with chiropractic associations and colleges on a routine basis. Ms. Walker replied that the Board currently does not share regular updates with those organizations and needs to begin

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providing them as part of the Board's broader outreach activities. She added that the information will be included on the annual renewal forms and shared on the Board's website and social media accounts.

Dr. Daniels referenced the Internet posting requirements found in Business and Professions Code (BPC) section 27 and asked if the public can find information regarding licensees who are being investigated. Ms. Knight replied that BPC section 27 requires DCA boards and bureaus to post accusations and final decisions on the licensees' public profile pages.

Motion: Dr. Daniels moved to recommend that the proposed language to amend CCR, title 16, section 303 (Filing of Addresses and Contact Information) be moved to the Board for consideration and direct staff to work with regulatory legal counsel to finalize the proposed regulatory text.

#### Second: Ms. Cruz seconded the motion.

**Public Comment:** Dawn Benton from the California Chiropractic Association offered to share information and updates from the Board in their weekly newsletter.

#### Vote: 2-0 (Dr. Daniels-AYE and Ms. Cruz-AYE).

#### Motion: Carried.

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)

Ms. Pitto outlined Section 9 of the Chiropractic Initiative Act (Act), which requires the Board to issue a license to any person licensed to practice in another state, provided that the other state had the same general requirements as the Board at the time the license was issued and the other state in like manner grants reciprocal licensure to California licensees, and CCR, title 16, section 323, which contains the Board's interpretation of Section 9 of the Act and was last amended effective August 24, 1996, to require five years of chiropractic practice to be eligible for licensure through reciprocity. She noted the current pathway to licensure through reciprocity is very similar to the initial licensure process but the reciprocal license application fee is lower and reciprocity allows for licensure under prior formats of the national examination.

Ms. Pitto explained that New Issue #6 from the Board's 2022 Sunset Review asks the Board to consider whether the requirements for granting a reciprocal license to applicants holding active licenses in other states or countries should be revised in order to attract qualified doctors of chiropractic to California and Objective 1.3 from the Board's 2022–2026 Strategic Plan is to review reciprocity requirements to minimize barriers to licensure in California. She also stated that staff is conducting an

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environmental scan to compare the Board's reciprocity requirements to other state chiropractic boards and other DCA healing arts boards.

Dr. Daniels shared that she reviewed the licensure requirements in New York and Florida, and emphasized the need for the Board to maintain quality health care standards for California patients while decreasing unnecessary barriers to licensure. She asked for the background information and reasoning on the 1996 amendment to CCR, title 16, section 323 that added five years of practice to the minimum requirements. Ms. Walker replied that staff has not yet been able to locate that specific regulatory package but speculated that the five-year practice requirement provides some assurance of competency for those who were originally licensed under a prior version of the national examination. Dr. Daniels noted that the Board does not require new licensees to practice under a provisional license or monitor them during their first five years so imposing that requirement on licensees from another state is unnecessary. She suggested that staff further investigate that requirement.

Dr. Daniels asked for additional information regarding licensure through endorsement. Ms. Walker replied that one challenge staff has encountered is the inconsistent, and in many cases, interchangeable, use of the terms "endorsement" and "reciprocity" by other state chiropractic boards and other DCA boards. She stated this area requires further study by staff. She inquired about the Committee's interest in potentially developing multiple pathways to licensure. Dr. Daniels commented that the process for licensure through reciprocity needs to be streamlined and clarified. She suggested evaluating and comparing the CE requirements in other states and noted the importance of testing applicants on the scope of practice in California on the law examination due to differences in other states. Ms. Walker agreed and proposed creating a new licensee guide summarizing California laws and regulations.

Ms. Cruz noted the Board considers an application to be abandoned if the applicant fails to successfully complete the law examination within one year and asked if that timeframe presents a barrier to some applicants. Ms. Pitto replied that some applications are abandoned each year, but it is not common. Ms. Cruz asked if the standard application processing time of three to five months includes gathering necessary documentation from the applicant and chiropractic college. Ms. Pitto responded affirmatively and explained the estimate is based on the amount of time from initially filing the application to when the Board expects the applicant will be licensed.

Ms. Cruz asked if the Board has ever polled licensees on the barriers they faced during the reciprocal licensure process. Ms. Pitto explained the Board currently receives one to three reciprocal license applications per year and from her experience, the primary issue applicants faced was that their state was not willing to reciprocate with California, so they were ineligible to apply. Dr. Daniels noted the requirement for the other state to reciprocate with California is potentially a barrier to licensure. Ms. Walker agreed and offered that the Committee may want to consider simply defining the minimum requirements for applicants from other states to prove that they are competent to BCE Licensing Committee February 24, 2023 Meeting Minutes Page 6 of 8

practice in California and take the law examination. She also stated the current reciprocal license application process is a barrier because the applicant needs to complete all of the same steps as a new graduate.

Dr. Daniels suggested accepting graduation from a Council on Chiropractic Education (CCE) accredited college in lieu of reviewing the overly specific and prescriptive information requested on the Chiropractic College Certificate form. Ms. Cruz requested that staff delineate the minimum requirements of the Act and separate them from the Board's internal processes when presenting the research and recommendations to the Committee to help shape the discussion. Dr. Daniels also reiterated the need to consider the minimum requirements for ensuring qualified licensees regardless of whether other states will reciprocate with California. Ms. Knight emphasized the focus on protecting consumers and reducing barriers for those who want to practice in California.

**Public Comment:** Falkyn Luouxmont stated chiropractic should align with state and federal law and industry standards and the detection of a subluxation separates chiropractors from the manipulations that are performed by physical therapists. He requested that the Committee keep the clinical requirements that differentiate chiropractic from the physical therapy profession.

#### 6. Review, Discussion, and Possible Recommendations Regarding the Renewal Requirements and Fees for Inactive Licenses (CCR, Title 16, sections 370 and 371)

Ms. Pitto provided an overview of BPC sections 700 and 702 which establish an inactive category of licensure for healing arts licensees who are not actively engaged in the practice of their profession. She noted holders of an inactive doctor of chiropractic license are exempt from CE but must renew their license annually and pay the same renewal fee as those who hold an active license. Ms. Pitto explained that the Board's regulations do not allow licensees to restore an inactive license from forfeiture or canceled status; instead, they must complete the application for restoration of license, pay the restoration fee, and provide documentation to satisfy the CE requirements. She also outlined a table with sample fee amounts if the inactive license renewal fee was to be reduced and a draft survey to collect feedback from licensees and stakeholders on a potential proposal to reduce the inactive fee amount.

Dr. Daniels thanked staff for compiling the survey and suggested that staff include additional background information to inform licensees why the Board is conducting the survey. She also requested that staff add a question asking if the individual plans to hold an inactive license.

Dr. Daniels noted the definition of "not actively engaged in the practice" for inactive licensees is vague. She stated the practice of the chiropractic profession involves case management and developing a clinical impression and differential diagnosis and questioned whether inactive licensees are performing these services. She suggested

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gathering additional information on the functions being performed by inactive licensees and also considering a retired license category.

Ms. Walker acknowledged the language within BPC sections 700 through 704 is very broad and noted the Board has not adopted any regulations to further clarify or interpret those statutes. She suggested the Committee may consider clarifying the activities that can be performed by active and inactive licensees and discussing a retired license status. She also proposed broadening the survey to gather information on these topics. Dr. Daniels requested additional investigation into the use of an inactive licensee and shared that she was envisioning a reduced fee for an inactive licensee who is retired or not earning an income, not a licensee who is performing paid examinations.

Ms. Cruz asked if other professions have additional license categories beyond active and inactive. Ms. Walker replied that generally the DCA healing arts boards have active and inactive license categories and the intent of the inactive license category is to allow an individual to maintain their license in a non-practicing status with the opportunity to easily reactivate the license and return to practice. She noted the potential for the Board to define limits on inactive licenses through regulation.

Ms. Cruz referenced the estimated fee amounts in the meeting materials and stated the Board will also need to consider the impact of any other potential license categories. Ms. Walker indicated the third potential category of licensure would be the retired license status and offered to incorporate additional information regarding retired licenses in the proposed survey.

Dr. Daniels reiterated the need to further clarify BPC section 702 through regulation in the interest of public safety and stated only active licensees should be performing clinical impressions. Ms. Walker agreed.

Dr. Daniels asked for additional information on the issue of restoring an inactive license. Ms. Walker explained that if an inactive licensee allows their license to lapse into forfeiture status, they must go through the restoration process and complete CE, which causes frustration for those who have been inactive for years and missed their renewal by 60 to 90 days. Dr. Daniels asked if it is possible to send email reminders to licensees prior to their expiration date to prevent this from occurring. Ms. Walker replied that staff can send automated notifications to licensees who have registered for the Connect system.

#### Public Comment: None.

#### 7. Public Comment for Items Not on the Agenda

**Public Comment:** Falkyn Luouxmont offered to assist Board staff with gathering any information or data that may need to be collected for the Committee's consideration of the chiropractic college curriculum regulations.

BCE Licensing Committee February 24, 2023 Meeting Minutes Page 8 of 8

#### 8. Future Agenda Items

Dr. Daniels requested additional background information and discussion on the development of the approval of chiropractic colleges and educational requirements and the chiropractic college curriculum regulations. She also requested future discussion regarding the ordering of physical and/or mental examinations of applicants and defining a place of practice, including satellite and mobile settings, and reiterated Ms. Cruz' request for gathering input and data from chiropractic colleges and associations regarding their observations on licensing trends.

Dr. Daniels further noted the need to continue the Committee's discussion regarding the requirements for license restoration, the definition of inactive licenses, and modifications to the inactive license survey.

#### Public Comment: None.

#### 9. Adjournment

Dr. Daniels adjourned the meeting at 12:27 p.m.





Agenda Item 3 May 12, 2023

## Update on Board's Licensing Program

#### Purpose of the Item

The Executive Officer and Board staff will provide the Committee with an update on the Board's Licensing Program activities and statistics.

#### Action Requested

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

#### <u>Attachment</u>

 Executive Officer's May 5, 2023 Memo to Committee Members Regarding Licensing Program Activities and Statistics



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MEMORANDUM

Agenda Item 3 Attachment

DATE	May 5, 2023
то	Members of the Board of Chiropractic Examiners' Licensing Committee
FROM	Kristin Walker, Executive Officer
SUBJECT	Update on Board's Licensing Program

This report provides an overview of recent Board of Chiropractic Examiners' (BCE) Licensing Program activities and statistics.

### **BCE Board and Licensing Committee Meetings**

The following meetings have been scheduled:

- May 12, 2023 Licensing Committee (Teleconference)
- July 20, 2023 Board (Location TBD)
- August 18, 2023 Licensing Committee (Teleconference)
- October 19-20, 2023 Board (Southern California)

### **Business Modernization Project and Implementation of the Connect System**

BCE continues to collaborate with the Department of Consumer Affairs (DCA) Office of Information Services (OIS) and three other programs (California Acupuncture Board; Board for Professional Engineers, Land Surveyors, and Geologists; and Bureau for Private Postsecondary Education) in the first cohort of a Business Modernization Project to develop and implement a new application, licensing, and enforcement system known as Connect.

Through three phased software releases from September 2020 through June 2021, BCE implemented these licensing functions:

- Initial license applications (doctor of chiropractic and satellite certificates)
- License renewals (doctor of chiropractic and satellite certificates)
- Address changes and cancellation of satellite certificates
- Online payment for all other paper applications

On July 1, 2022, BCE added functionality to the system to waive the application and initial license fees for spouses of active duty members of the military who are assigned to a duty station in California and hold a current license to practice in another state, as required by <u>Business and Professions Code (BPC) section 115.5</u>.

In August 2022, BCE implemented the Department of Health Care Access and Information (HCAI) health workforce data survey for licensees to complete during their electronic license renewal process, as required by <u>BPC section 502</u>.

Through a software release on February 28, 2023, BCE updated the user dashboards for applicants and licensees, provided the ability for licensees to maintain and store their continuing education records in the system, and added a list of BCE links, resources, and direct contact information for each of BCE's units to the user dashboard.

BCE is currently working with OIS and the vendor to upgrade to the latest version of the Connect software, as well as fully implement cashiering functionality in the system for all business processes and develop the continuing education module to process course applications electronically.

#### Legislation Affecting Licensing Program

Assembly Bill 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program. 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.

Senate Bill 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes. 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 current name or enforcement action record linked to a former name upon receipt of a request that is related to an enforcement action against the licensee or registrant or a search of a licensee by a previous name. This bill would also 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.

#### **Proposed Regulations Affecting Licensing Program**

- Licensing and Regulatory Fees (Changes Without Regulatory Effect: Amend California Code of Regulations [CCR], Title 16, Sections 310.1, 317.1, 321, 323, 360, 362, 363, 367.5, 367.10, 370, and 371): This action under CCR, title 1, section 100 will update the licensing and regulatory fee amounts within the Board's regulations and forms for consistency with the fee amounts codified in BPC section 1006.5. This package is planned to be submitted to the Office of Administrative Law (OAL) in June 2023.
- 2. Addition of Licensee Telephone Numbers and Email Addresses to Board Directory (Amend CCR, Title 16, Section 303): This proposal will implement the requirement from Senate Bill 1434 (Roth, Chapter 623, Statutes of 2022) for the Board to include licensees' telephone numbers and email addresses in the Board's directory and clarify the requirement for the filing of a public "address of record." The Board approved the proposed regulatory text at its April 20, 2023 meeting. Staff is preparing the regulatory package for this proposal and plans to submit it to DCA for review in May 2023.
- 3. Repeal Sponsored Free Health Care Events (Changes Without Regulatory Effect: Repeal CCR, Title 16, Sections 309–309.4): This action under CCR, title 1, section 100 repealed the Board's sponsored free health care events regulations to reflect the repeal of the underlying statutory authority for these regulatory provisions effective January 1, 2018. This package was approved by OAL on May 4, 2023.
- 4. Temporary Licensure for Military Spouses and Partners (Amend CCR, Title 16, Section 320): This proposal will update CCR, title 16, section 320 for consistency with the provisions of <u>Assembly Bill 107 (Salas, Chapter 693, Statutes of 2021)</u>, which provide for temporary licensure of military spouses and partners. This proposal is being developed by staff and is planned to be presented to the Board for review and discussion at its July 20, 2023 meeting.
- 5. Approval of Chiropractic Schools and Educational Requirements (Amend CCR, Title 16, Sections 330-331.16): This proposal will amend the regulations regarding approval of chiropractic colleges to align with the accrediting body, the Council on Chiropractic Education, and eliminate any unduly prescriptive content that could be restrictive to the evolving nature of higher education. This rulemaking package is being developed by staff.
- 6. Chiropractic College Curriculum Requirements (Amend CCR, Title 16, Section 331.12.2 and Add CCR, Title 16, Section 331.12.3): This proposal will update the minimum curriculum and clinical experience requirements for Board-approved chiropractic colleges. At the January 20, 2023 meeting, the Board voted to return these proposed changes to the Licensing Committee for further study and

discussion. This proposal is planned to be discussed by the Licensing Committee at its May 12, 2023 meeting.

- 7. Order for Physical or Mental Examination of Applicants (Add CCR, Title 16, Section 324): This Consumer Protection Enforcement Initiative (CPEI) proposal will allow the Board to order an applicant to complete a physical or mental examination when evidence exists that the applicant may be unable to practice safely due to a mental or physical condition affecting their competency. This proposal is being developed by staff and is planned to be presented to the Licensing Committee for review and discussion at its August 18, 2023 meeting.
- 8. Chiropractic Practice Locations and Display of License (Amend CCR, Title 16, Sections 306.3 and 308 and Add CCR, Title 16, Section 308.1): This CPEI proposal will update the requirements for filing practice locations with the Board and displaying a license/certificate and notice to patients at each practice location. This proposal is being developed by staff and the Licensing Committee.

#### Statistics as of April 30, 2023

#### **Licenses/Certificates Issued**

Туре	FY 2020-21	FY 2021-22	FY 2022-23*
Doctor of Chiropractic	269	332	317
Corporation Certificate	73	102	96
Satellite Certificate	1,136	1,270	1,349

#### Licensing Population by Type

Туре	FY 2020-21	FY 2021-22	FY 2022-23*
Doctor of Chiropractic	12,579	12,353	12,079
Corporation	1,379	1,357	1,321
Satellite Certificate	4,194	4,390	4,657

#### **Strategic Plan**

At the October 27, 2022 meeting, the Board adopted its <u>2022–2026 Strategic Plan</u>. On November 29-30, 2022, and December 5, 2022, BCE staff participated in action planning sessions with DCA's SOLID Training and Planning Solutions to identify the specific tasks and actions that staff will take to implement each objective within the strategic plan. Staff presented the action plan to the Board at the January 20, 2023 meeting.

Two objectives from the Strategic Plan have been assigned to the Licensing Committee:

**Objective 1.2:** Establish a robust, effective Licensing Committee to identify issues and increase efficiency.

Start Date: Q1 2023 End Date: Q3 2023

Success Measure: The completion of the action plan for all current pending licensing issues.

Task Number	Task Description	Responsible Party	Due Date	Status
1.2.1	Gather background information to educate Licensing Committee members on pending licensing issues.	Licensing Manager	Q1 2023	In Progress
1.2.2	Train Licensing Lead (staff member) as a Licensing Committee liaison (calendaring, meeting agendas, etc.).	Executive Officer and Assistant Executive Officer	Q2 2023	On Hold (pending selection and hiring of Licensing Lead) This role has been assigned to Tammi Pitto until the position has been filled.
1.2.3	Educate Licensing Committee members on background and history of prior actions.	Executive Officer	Q2 2023 – ongoing	In Progress
1.2.4	Identify current issues, discuss possible solutions, and present recommendations to the Licensing Committee Chair.	Assistant Executive Officer	Q2 2023	In Progress

Task Number	Task Description	Responsible Party	Due Date	Status
1.2.5	Staff works with the Licensing Committee Chair to create an action plan for pending and current issues identified above.	Assistant Executive Officer and Licensing Liaison	Q3 2023	On Hold (pending completion of tasks 1.2.1- 1.2.4)

**Objective 1.3:** Review reciprocity requirements to minimize barriers to licensure in California.

Start Date: Q2 2023 End Date: Q3 2024

Success Measure: The Board has identified how they are going to minimize any potential barriers to licensure through reciprocity.

Task Number	Task Description	Responsible Party	Due Date	Status
1.3.1	Conduct an environmental scan of reciprocity requirements (BCE, other states, and other DCA healing arts boards).	Assistant Executive Officer	Q2 2023	In Progress
1.3.2	Analyze the data that has been collected.	Assistant Executive Officer	Q3 2023	On Hold (pending completion of environmental scan)
1.3.3	Develop potential options and recommendation for the Licensing Committee on how to minimize barriers to licensure.	Assistant Executive Officer	Q3 2023	On Hold (pending completion of environmental scan)
1.3.4	Summarize environmental scan, analysis, potential options, and recommendation.	Assistant Executive Officer	Q4 2023	On Hold (pending completion of environmental scan)

Task Number	Task Description	Responsible Party	Due Date	Status
1.3.5	Present findings and recommendations to the Licensing Committee.	Licensing Liaison	Q1 2024	On Hold (pending completion of environmental scan)
1.3.6	Present Licensing Committee's recommendation to the Board.	Executive Officer	Q3 2024	On Hold (pending completion of environmental scan)





Agenda Item 4 May 12, 2023

#### Review, Discussion, and Possible Recommendation Regarding Regulatory Proposal to Update the Chiropractic College Curriculum Requirements (amend California Code of Regulations [CCR], Title 16, section 331.12.2 and add CCR, Title 16, section 331.12.3)

#### Purpose of the Item

The Committee will review and discuss the previously proposed regulatory text to amend the chiropractic college curriculum requirements.

#### Action Requested

The Committee will be asked to engage in a policy discussion regarding the proposed changes to the chiropractic curriculum requirements.

#### **Background**

The Board's current college curriculum requirements are contained in California Code of Regulations (CCR), title 16, section 331.12.2. On July 16, 2020, the Board approved proposed regulatory language to discontinue these prescriptive requirements for applicants who matriculated after 2020, and instead, mandate that colleges ensure all graduates have completed the minimum educational requirements identified in Section 5 of the Chiropractic Initiative Act.

In addition, through a series of public comments from October 2022 through present, a student from Life Chiropractic College West has urged the Board to consider granting partial credit, such as one-third of a point, for patient visits where an examination is conducted but an adjustive technique is not performed.

During the December 9, 2022 Licensing Committee meeting, the Committee considered the proposed revisions to the curriculum requirements (CCR, title 16, sections 331.12.2 and 331.12.3) and discussed the public safety benefits of the Board potentially retaining some authority and oversight over the clinical component of the doctor of chiropractic educational program. At the January 20, 2023 meeting, the Board voted to return the proposed text for CCR, title 16, sections 331.12.2 and 331.12.3 to the Committee for further study and discussion.

At this meeting, staff will provide the Committee with a presentation on the role and accreditation standards of the Council on Chiropractic Education (CCE), curriculum at chiropractic colleges, background information regarding the regulatory proposal, and clinical training requirements for other health care professions.

Chiropractic College Curriculum Requirements May 12, 2023 Page 2

Following the presentation, the Committee will be asked to discuss the proposed changes to the chiropractic college curriculum requirements and provide feedback and direction to staff.

#### **Attachments**

- 1. Section 5 of the Chiropractic Initiative Act of California
- 2. Proposed Language to Amend California Code of Regulations (CCR), Title 16, Section 331.12.2 and Add CCR, Title 16, Section 331.12.3

#### External Resources

- <u>CCE Accreditation Standards; Principles, Processes & Requirements for</u> <u>Accreditation, July 2021</u>
- <u>CCE Accreditation Manual, 2021</u>
- <u>CCE 2020 White Paper: Meta Competency Outcomes Assessment and Assurance</u> of Programmatic Effectiveness

#### Section 5 of the Chiropractic Initiative Act of California

#### § 5. License to Practice: Fee: Educational Requirements

License to Practice: Fee: Educational Requirements. It shall be unlawful for any person to practice chiropractic in this state without a license so to do. Any person wishing to practice chiropractic in this state shall make application to the board 45 days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Proof of graduation from an approved chiropractic school or college, as defined in Section 4, must reach the board 15 days prior to any meeting thereof. Each application must be accompanied by a licensee fee of not more than one hundred dollars (\$100), as determined by the board. Except in the cases herein otherwise prescribed, each applicant shall present to the board at the time of making such application a diploma from a high school and a transcript of 60 prechiropractic college credits satisfactory to the board, or proof, satisfactory to the board, of education equivalent in training power to such high school and college courses.

The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, except as herein otherwise provided:

Group 2Physiology	Group 1	Anatomy, including embryology and histology	14%
Group 4Pathology and bacteriology10%Group 5Public health, hygiene and sanitation3%Group 6Diagnosis, dermatology, philology and geriatrics, and radiological technology,safety, and interpretation18%Group 7Obstetrics and gynecology and pediatrics3%Group 8Principles and practice of chiropractic, physical therapy, psychiatry, and office25%Total85%	Group 2	Physiology	6%
Group 5Public health, hygiene and sanitation3%Group 6Diagnosis, dermatology, philology and geriatrics, and radiological technology,safety, and interpretation18%Group 7Obstetrics and gynecology and pediatrics3%Group 8Principles and practice of chiropractic, physical therapy, psychiatry, and office25%Total85%	Group 3	Biochemistry and clinical nutrition	6%
Group 6 Diagnosis, dermatology, philology and geriatrics, and radiological technology, safety, and interpretation	Group 4	Pathology and bacteriology	10%
safety, and interpretation	Group 5	Public health, hygiene and sanitation	3%
Group 7 Obstetrics and gynecology and pediatrics	Group 6	Diagnosis, dermatology, philology and geriatrics, and radiological tech	nology,
Group 8 Principles and practice of chiropractic, physical therapy, psychiatry, and office procedures	safety, a	nd interpretation	18%
procedures	Group 7	Obstetrics and gynecology and pediatrics	3%
Total	Group 8	Principles and practice of chiropractic, physical therapy, psychiatry, and	nd office
Electives	Total		85%
	Electives	\$	15%

Any applicant who had matriculated at a chiropractic college prior to the effective date of the amendments to this section submitted to the electors by the 1977-1978 Regular Session on the Legislature shall meet all requirements that exited immediately prior to the effective date of those amendments but need not meet the change in requirements made by said amendments.

(Initiative Measure, Stats. 1923, p. 1xxxix, § 5. Amended by Stats. 1947, c. 151, p. 678, § 3, adopted Nov. 2, 1948; Stats. 1960, c. 14, p. 135, § 1; Stats. 1975, c. 771, p. 1791, § 1.)

#### Proposed Language to Amend California Code of Regulations (CCR), Title 16, Section 331.12.2 and Add CCR, Title 16, Section 331.12.3

#### (Returned to Licensing Committee for Further Discussion)

#### § 331.12.2. Curriculum Requirements Prior to 2020.

All applicants for licensure <u>who matriculated into a chiropractic college prior to (DATE)</u> shall be required to comply with this section in order to qualify for a California chiropractic license.

(a) Course of Study: Every school shall have a curriculum which indicates objectives, content and methods of instruction for each subject offered.

(b) Required Hours and Subjects: Each applicant shall offer proof of completion of a course of instruction in a Board-approved chiropractic college of not less than 4,400 hours which includes minimum educational requirements set forth in Section 5 of the Act. The course of instruction completed by the applicant shall consist of no less than the following minimum hours, except as otherwise provided:

Group I	Anatomy, including embryology, histology and human dissection	616 hours
Group II	Physiology (must include laboratory work)	264 hours
Group III	Biochemistry, clinical nutrition, and dietetics	264 hours
Group IV	Pathology, bacteriology, and toxicology	440 hours
Group V	Public health, hygiene and sanitation, and emergency care	132 hours
Group VI	Diagnosis, including E.E.N.T. and serology, dermatology and sexually transmitted diseases, geriatrics, X-ray interpretation, and neurology	792 hours
Group VII	Obstetrics, gynecology, and pediatrics	132 hours
Group VIII	Principles and practice of chiropractic to include chiropractic technique, chiropractic philosophy, orthopedics, X-ray technique, and radiation protection	430 hours
	Clinic, including office procedure	

		518 hours
	Physiotherapy	120 hours
	Psychiatry	32 hours
Electives		660 hours
Total		4,400 hours

(c) Subject Presentation: Laboratory teaching with actual student participation shall be included in human dissection, histology, chemistry, physiology, bacteriology, pathology, X-ray and physiotherapy. Each school shall have and use at least one (1) phantom or equivalent equipment for X-ray class and other courses as may be necessary for adequate teaching.

Classes shall be presented in proper academic sequence. Each student shall be taught micro and gross anatomy, human dissection, and physiology before pathology; biochemistry before or concurrent with physiology; and diagnosis before or concurrent with the study of pathology. Clinic hours shall be taken only after a student completes all hours in or concurrently with diagnosis.

(1) ANATOMY: To include gross anatomy, human dissection, embryology and histology.

(2) PHYSIOLOGY: To include the physiology of blood and lymph, circulation, respiration, excretion, digestion, metabolism, endocrines, special senses and nervous system.

(3) BIOCHEMISTRY AND NUTRITION: Biochemistry to include the chemistry of foods, digestion, and metabolism. Nutrition to include dietetics and clinical nutrition in the prevention and treatment of illnesses.

(4) PATHOLOGY AND BACTERIOLOGY: Pathology to include general and special pathology. Bacteriology to include parasitology and serology.

(5) PUBLIC HEALTH, HYGIENE, SANITATION AND EMERGENCY CARE: To include sanitary and hygienic procedures, First Aid, minor surgery, prevention of disease, and Public Health Department regulations.

(6) DIAGNOSIS: To include physical, clinical, laboratory and differential diagnosis; E.E.N.T., geriatrics, serology, dermatology, syphilology, roentgenology (technique and interpretation) and the rules and regulations of the Radiologic Technology Certification Committee of the State Department of Health Services.

(7) OBSTETRICS, GYNECOLOGY AND PEDIATRICS: To include the standard routine diagnostic procedures and clinical and laboratory examinations.

(8) PRINCIPLES AND PRACTICE OF CHIROPRACTIC, DIETETICS, PHYSIOTHERAPY, AND OFFICE PROCEDURE: To include history and principles of chiropractic, spinal analysis, adjustive technique of all articulations of the body, orthopedics and patient counseling in curriculum subject matters.

(9) PHYSIOTHERAPY: To be eligible for licensure, each applicant must furnish proof satisfactory to the Board of successful completion of the required 120 hours of physiotherapy course work and additional clinical training in which the theory, principles and use of the standard recognized physiotherapy equipment and procedures were demonstrated to and used by the applicant. This shall include a minimum of thirty (30) patient office visits in which physiotherapy procedures are performed by the student on their own clinic patients. If physiotherapy course work is not offered by the chiropractic college where the student matriculated, the required instruction and clinical training in physiotherapy may be completed at another Board-approved chiropractic college, provided such course is a regular credit course offered primarily to matriculated students.

Physiotherapy course work not completed prior to graduation from chiropractic college may be fulfilled by course work taken subsequent to graduation at a Board-approved chiropractic college in conjunction with clinical training in physiotherapy offered by that college. Such course work and clinical training must be regular credit course work and clinical training offered primarily to matriculated students.

(10) OFFICE PROCEDURE: To include private office and case management, the writing and completion of reports and forms for insurance claims, and the provisions, rules and regulations of the Chiropractic Act, and the Radiologic Technology Certification Committee of the State Department of Health Services.

(d) Additional Hours and Subjects: It is recommended that a school offer elective subjects, including chiropractic meridian therapy, counseling, hypnotherapy and biofeedback. The school may offer and require for graduation courses of more than 4,400 hours.

(e) Clinics: Each student shall be provided with actual clinical experience in the examining, diagnosing, and treatment of patients. Such clinical experience shall include spinal analysis, palpation, chiropractic philosophy, symptomatology, laboratory diagnosis, physical diagnosis, X-ray interpretation, postural analysis, diagnostic impressions, and adjusting of various articulations of the body, psychological counseling and dietetics. Individual case files on each patient together with a record of dates and treatments given and student treating shall be kept and available to the board for inspection.

Clinical hours, as described in this section, including those relating to physiotherapy, must be completed in a clinic operated or supervised by a chiropractic college.

Each student shall be required to complete, as a minimum for graduation, the following:

(1) Twenty-five (25) physical examinations of which at least ten (10) are of outside (not student) patients.

A physical examination shall include an evaluation of all vital signs, case history, orthopedic and neurological testing.

Students shall also have practical clinical laboratory training, including twenty-five (25) urinalyses, twenty (20) complete blood counts (CBCs), ten (10) blood chemistries, and thirty (30) X-ray examinations. Students shall perform ten (10) proctological and ten (10) gynecological examinations. Proctological and gynecological examinations may be performed on a phantom approved by the Board. Gynecological and proctological examinations not completed prior to graduation may be completed after graduation at a Board-approved chiropractic college.

(2) Students shall perform a minimum of two hundred and fifty (250) patient treatments (visits), including diagnostic procedures, chiropractic adjustive technique and patient evaluation.

(3) Written interpretation of at least thirty (30) different X-ray views, either slide or film, while a senior in the clinic, in addition to other classroom requirements which shall include the spinal column, all other articulations of the body, and soft tissue.

(4) Minimum of five hundred eighteen (518) hours of practical clinical experience (treating patients in the clinic).

### § 331.12.3. Curriculum Requirements.

Schools shall ensure all graduates have completed the minimum educational requirements identified in Section 5 of the Chiropractic Initiative Act.





Agenda Item 5 May 12, 2023

### Review, Discussion, and Possible Recommendation Regarding Chiropractic College Preceptorship and Postceptorship Clinical Experience Programs

#### Purpose of the Item

The Committee will review and discuss the Board's existing process for reviewing and approving preceptor requests compared to the approval processes by chiropractic boards in other states.

### Action Requested

The Committee will be asked to engage in a policy discussion regarding the potential need to develop regulations regarding the approval of chiropractic college preceptorship programs.

### **Background**

Business and Professions Code section 1006.5, subdivision (s) authorizes the Board to collect a fee of \$72 from those who "apply for approval to serve as a preceptor." However, other than California Code of Regulations, title 16, section 312 (Illegal Practice), which provides an exemption for "student doctors participating in board approved preceptorship programs," the Board's regulations do not address students' participation in these programs.

During this meeting, staff will provide the Committee with a presentation on the existing process for approving preceptor requests and a comparison of the approval processes implemented by other state chiropractic licensing boards. Following the presentation, the Committee will be asked to begin an initial policy discussion regarding the Board's role in approving preceptorship programs.

#### **Attachment**

• Preceptor Request Form



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## PRECEPTOR REQUEST

**Instructions:** Complete Sections 1 and 2 of this form. Submit this form to the Board, at the address below, with a check or money order in the amount of \$72.00 made payable to "BOCE". Please allow 2-4 weeks for processing.

Section 1:	College Information: Date	
	Name	
	Contact	
	Phone #	
	Address	
	City, State, Zip Code	
	Check how you would like to receive the response:	
	□ Fax #	
	Email	
Section 2:	Preceptor – Doctor of Chiropractor:	
	Chiropractor Name License # DC -	
	Address	
	City, State, Zip Code	
	Phone #	
	* <b>NOTE:</b> If the chiropractor will also be training at additional locations, plea a listing of locations with the address and satellite certificate numbers.	se include
	Student - Intern	
	Name	
	Graduation Date	
	FOR OFFICE USE ONLY	
	OVED	
	ED Reason for denial	
Signatu	ture Date	



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Agenda Item 6 May 12, 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 Committee 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).]



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Agenda Item 7 May 12, 2023

#### **Future Agenda Items**

#### Purpose of the Item

At this time, members of the Committee and the public may submit proposed agenda items for a future Committee meeting.

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.]



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Agenda Item 8 May 12, 2023

Adjournment

Time: \_\_\_\_\_