



## **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, June 8, 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=mfe5c2bcfbc4d1a1306cf2e611fc6b130>

### **If joining using the link above**

Webinar number: 2487 692 2639  
Webinar password: BCE06082023

### **If joining by phone**

+1-415-655-0001 US Toll  
Access code: 248 769 22639  
Passcode: 22306082

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](mailto:XXXXX@mailinator.com).

**Note:** Members of the public may also submit written comments to the Committee on any agenda item by Monday, June 5, 2023. Written comments should be directed to [chiro.info@dca.ca.gov](mailto: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 March 2, 2023 Committee Meeting Minutes**
- 3. Update on Board's Enforcement Program**
- 4. Review, Discussion, and Possible Recommendation Regarding Discipline Against Licensees by Other Public Agencies and Licensee Reporting of Convictions, Disciplinary Actions, and Other Violations to the Board (amend California Code of Regulations [CCR], Title 16, sections 304 and 314)**
- 5. Review, Discussion, and Possible Recommendation Regarding the Filing and Evaluation Process for Petitions for Reinstatement, Reduction of Penalty, and Early Termination of Probation (amend CCR, Title 16, section 365 and add CCR, Title 16, section 385)**
- 6. 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).]
- 7. 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.]
- 8. Adjournment**

This agenda can be found on the Board's website at [www.chiro.ca.gov](http://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](mailto:chiro.info@dca.ca.gov)

**Telecommunications Relay Service:** Dial 711

**Mailing Address:**

Board of Chiropractic Examiners

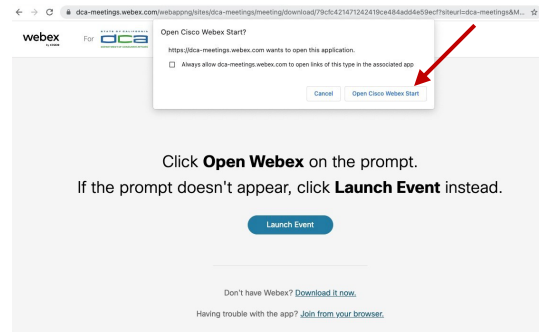
1625 N. Market Blvd., Suite N-327

Sacramento, CA 95834

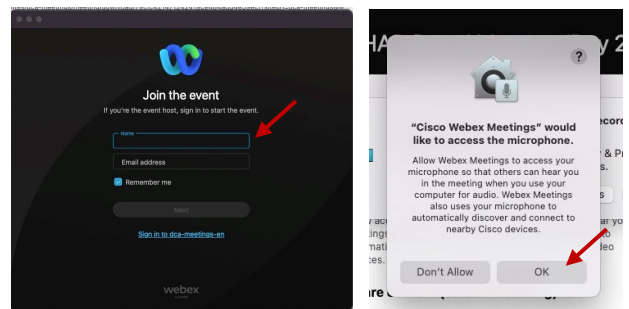
Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

## 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.



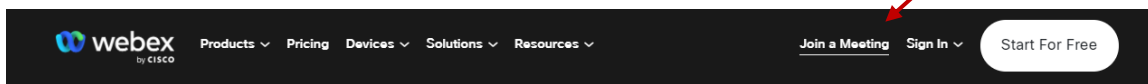
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



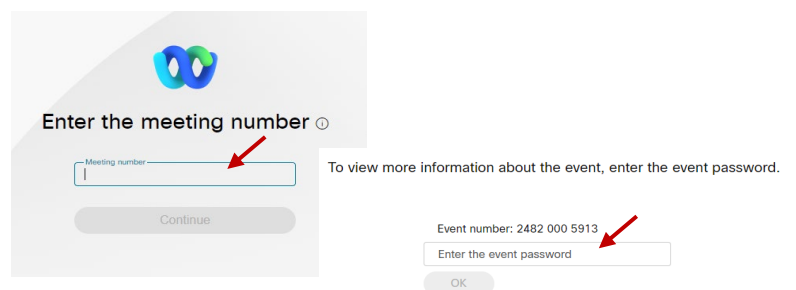
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## If joining from Webex.com

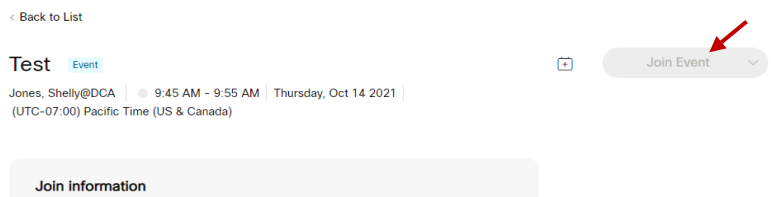
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 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".



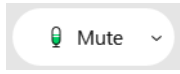
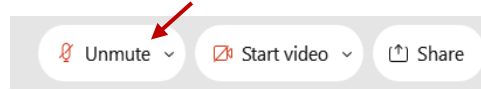
OR

## Connect via telephone\*:

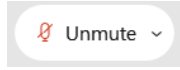
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

## Microphone

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

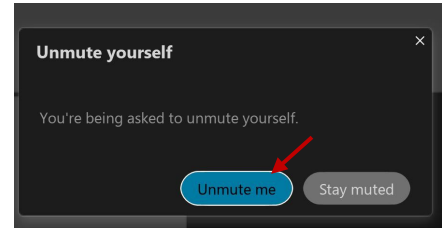


Green microphone = Unmuted: People in the meeting can hear you.



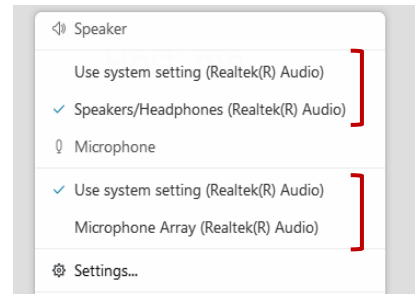
Red microphone = Muted: No one in the meeting can hear you.

*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".*



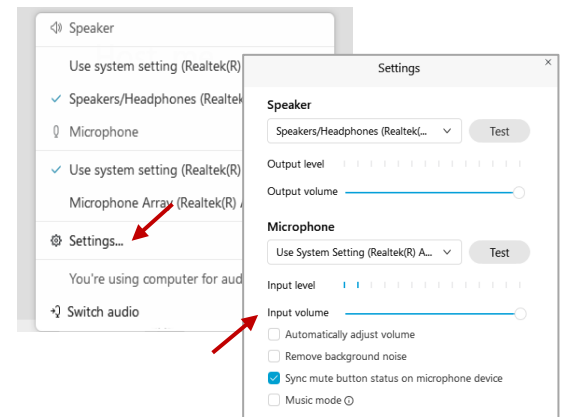
## If you cannot hear or be heard

- 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

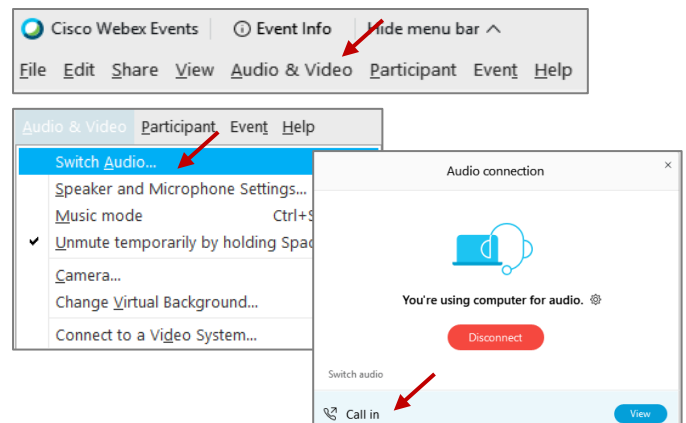
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on "Settings...":
  - Drag the "Input Volume" located under microphone settings to adjust your volume.



## 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.

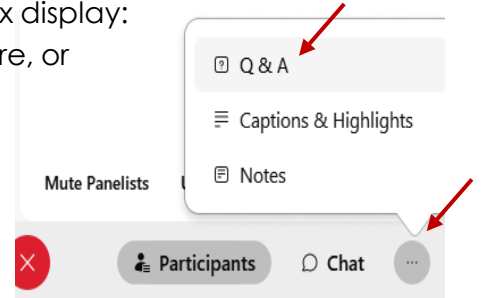
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

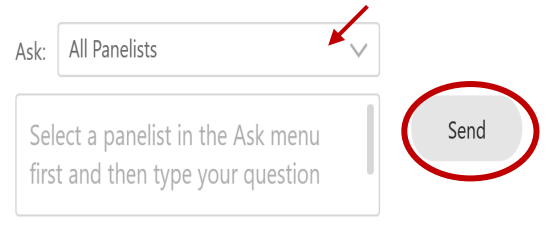
1 Access the Q&A panel at the bottom right of the Webex display:

- 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”.



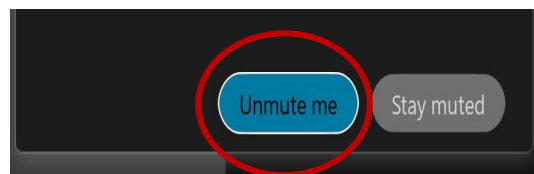
OR

If connected via telephone:

- Utilize the raise hand feature by pressing \*6 to raise your hand.
- Repeat this process to lower your hand.

3 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.

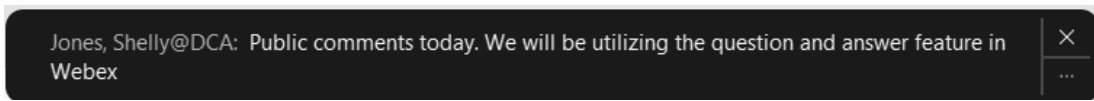


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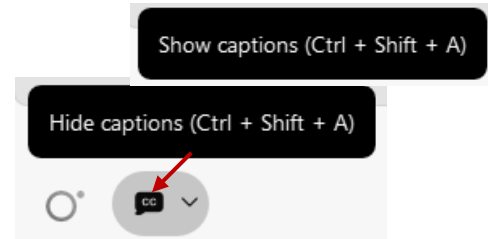
If connected via telephone:

- Press \*3 to unmute your microphone.

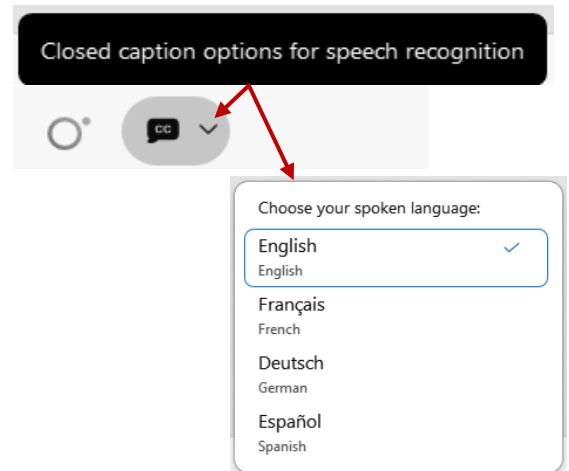
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



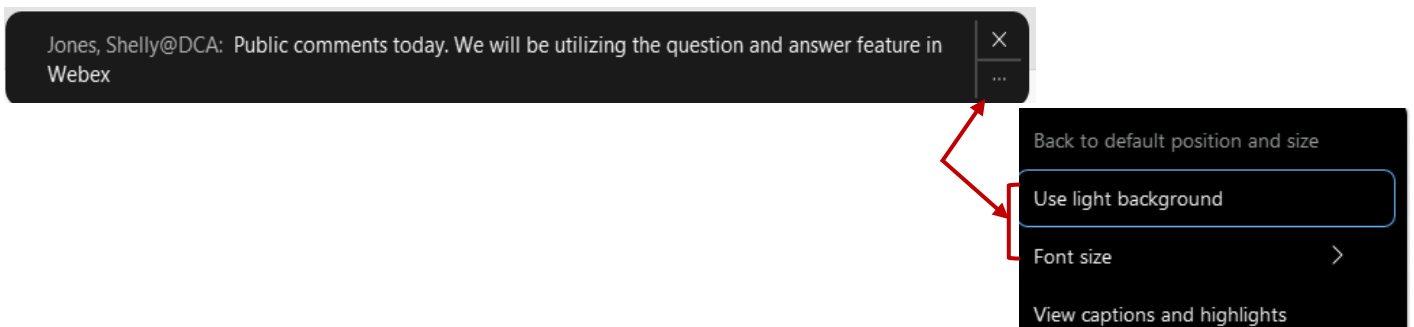
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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.





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1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834  
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**Agenda Item 1**  
**June 8, 2023**

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## **Call to Order, Roll Call, and Establishment of a Quorum**

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### **Purpose of the Item**

Laurence Adams, D.C., Chair of the Board's Enforcement Committee, will call the meeting to order. Roll will be called by David Paris, D.C.

### **Committee Members**

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





**Agenda Item 2**  
**June 8, 2023**

**Review and Possible Approval of March 2, 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 March 2, 2023 Committee meeting minutes.

**Attachment**

- March 2, 2023 Enforcement Committee Meeting Minutes (Draft)



**BOARD OF CHIROPRACTIC EXAMINERS  
ENFORCEMENT COMMITTEE  
MEETING MINUTES  
March 2, 2023**

In accordance with the statutory provisions of Government Code section 11133, the Enforcement Committee of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on March 2, 2023.

**Committee Members Present**

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

**Staff Present**

Kristin Walker, Executive Officer  
William Walker III, Enforcement Manager  
Dixie Van Allen, Licensing & Administration 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. Adams called the meeting to order at 12:01 p.m. Dr. Paris 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. Paris moved to approve the minutes of the December 9, 2022 Enforcement Committee meeting.**

**Second: Mr. Sweet seconded the motion.**

**Public Comment: None.**

**Vote: 3-0 (Dr. Adams-AYE, Dr. Paris-AYE, and Mr. Sweet-AYE).**

**Motion: Carried.**

### **3. Update on Board's Enforcement Program**

Ms. Walker announced that former Enforcement Analyst Christina Bell retired from state service on February 6, 2023, and recruitment efforts are underway to refill her position, a Special Investigator position, and the Assistant Executive Officer position.

Ms. Walker informed the Committee that February 17, 2023, was the deadline for introducing new legislation and staff has been monitoring a high volume of bills that may potentially affect the Board, other DCA boards and bureaus, and other healing arts professions. She explained Assembly Bill (AB) 765 (Wood) would prohibit the use of any medical specialty title by any person who is not licensed as a physician and surgeon and AB 1028 (McKinnor) would remove the requirement that a health practitioner report to law enforcement when they suspect a patient has an injury caused by assault or abusive conduct and instead mandate that the health practitioner provide brief counseling, education, and a warm handoff or referral.

Ms. Walker noted there are eight pending regulatory proposals related to the Board's Enforcement Program and three of those proposals will be discussed during this meeting. She highlighted the Enforcement Program statistics and stated staff is focusing on closing investigations and pending disciplinary cases.

Ms. Walker also provided an update on the four 2022–2026 Strategic Plan objectives assigned to the Committee. She explained staff is working with the Committee to develop the pending regulatory proposals and she is working to increase specialization within the Enforcement Unit by designating analysts in either a case management or investigative role to improve case processing times. She noted Ms. Bell's prior position has already been designated as a case management position. She stated over the past few months, she had a few discussions with expert consultants and reviewed the comprehensive training that the Medical Board of California (MBC) provides to their expert consultants, and she expects to begin the expert recruitment process after the vacant Assistant Executive Officer position is filled.

Dr. Paris asked if the MBC training could be used for the Board's experts. Ms. Walker replied that she would like to explore that option with MBC, as one of the Board's experts recently completed their program and found it to be helpful because it was presented by MBC investigative staff, the Attorney General's office, an administrative law judge, and a defense attorney, and included many different perspectives.

**Public Comment:** None.

### **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)**

Ms. Pitto presented this agenda item and explained that for the past several years, the Board has been working on updates to its *Disciplinary Guidelines and Model Disciplinary Orders* and the implementation of the Uniform Standards for Substance Abusing Licensees. She noted the Committee has already discussed the trigger language to apply the uniform standards and proposed changes to the conditions of probation. She stated the remaining step is for the Committee to discuss the recommended penalties for violations of the statutes and regulations within the Board's jurisdiction. She explained the Board broadly groups violations into four categories and that practice does not provide detailed guidance to staff, the deputy attorney general, or the administrative law judge when negotiating stipulated settlements or preparing proposed decisions. She shared staff's recommendation to specify minimum and maximum penalties for each violation to provide clarity to those involved in the disciplinary process.

Dr. Paris suggested the potential for direct patient harm and impact on medical decision making as factors for determining the appropriate categorization and penalty. He noted some violations have designations as "less egregious" and "more egregious" within the guidelines to provide additional guidance and account for the crossover within categories. He cited CCR, title 16, section 317(x) (Unprofessional Conduct: Substitution of a Spinal Manipulation for Vaccination) as an example where elevation to Category II may be necessary. Mr. Sweet noted similar concerns with CCR, title 16, sections 310.2 (Use of the Title "Chiropractor" by Unlicensed Persons) and 312 (Unlicensed Practice). Dr. Adams concurred. Ms. Walker agreed and explained how the *Disciplinary Guidelines* allow for deviation when necessary to ensure public protection either by increasing the penalty due to aggravating evidence or decreasing the penalty due to the presence of mitigating evidence. She noted the challenge with the current *Disciplinary Guidelines* is that all optional conditions are listed under the categories, so it is difficult for parties involved in the disciplinary process to use the document because it does not specify applicable terms for each violation.

Ms. Walker suggested that staff prepare a complete proposal for the Committee's review and discussion at a future meeting with specific penalty guidelines for the violations within the existing categories, the updated standard and optional conditions of probation, and the language for applying the Uniform Standards for Substance Abusing Licensees. Mr. Sweet clarified that the Board would still retain its discretion in determining the disciplinary penalties, but the *Disciplinary Guidelines* would provide assistance to other parties in ascertaining the Board's general expectations for specific violations. Ms. Walker concurred and noted that any proposed decisions and stipulated settlements that deviate from the Board's guidelines would describe the circumstances and the reasons for those deviations.

Dr. Paris requested that CCR, title 16, sections 310.2, 312, and 317(x) be moved to Category II violations due to the potential for patient harm. Dr. Adams and Mr. Sweet

agreed. Ms. Walker thanked the Committee for their feedback and stated staff will compile their comments into a final proposal for consideration at a future meeting.

**Public Comment:** Falkyn Luouxmont commented that the discussion of his request for a rule change was removed from an agenda and asked for clarification regarding the Board's decision to grant provisional acceptance to Keiser University College of Chiropractic Medicine.

#### **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)**

Ms. Walker introduced this agenda item and explained that in addition to the Committee's development of proposed changes to the minimum content for patient records, in 2015, the Board had approved a regulatory proposal to implement a consumer notice requirement after the death or incapacity of a licensee or the termination or relocation of a practice, including guidelines for the closure of a practice and the creation of a notice of termination of practice and transfer of records form that would be transmitted to the Board. She noted the Board never formally commenced the rulemaking process on that regulation and the package was placed on hold.

Ms. Walker directed the Committee to the draft language within the meeting materials and stated staff had incorporated portions of that 2015 proposal into the current record keeping proposal being developed by the Committee. She asked the Committee to continue their policy discussion regarding the record keeping proposal and specifically the portions that relate to the transfer or records upon retirement or closure of a practice or the death or incapacity of a licensee.

Dr. Paris noted the proposal refers to unlicensed individuals such as an heir, trustee, executor, administrator, conservator, or personal representative and questioned how the Board could enforce those provisions. Ms. Knight replied that the Board does not have any jurisdiction over unlicensed individuals so that text would be guidance. Ms. Walker suggested that the Committee may want to consider requiring licensees to designate another licensee in their plan for the transfer and maintenance of patient records in the event they become incapacitated or otherwise unable to practice to provide continuity of the Board's jurisdiction.

Dr. Paris expressed his concerns with creating regulatory language that the Board cannot enforce. Mr. Sweet asked if there is any guidance from other healing arts boards and how they handle these situations. Ms. Knight recommended staff review other boards' laws and regulations.

Dr. Paris commented on the relative ease of creating a continuity plan within a group or health care system compared to a solo practitioner. Dr. Adams concurred and shared his support for requiring a plan to be in place. He also asked about the assumption of

risk and liability for the licensee who is designated in the plan. Ms. Knight replied that it is an interesting concept that staff will explore further.

Ms. Walker asked the Committee to discuss the Board's role in the licensees' continuity plans and whether they should be filed with the Board or just retained by the licensee for review when necessary. Dr. Adams replied that it would be difficult for the Board to catalog that information for each practice, and it would make more sense for the plan to be maintained by the practice. He suggested the Board should be notified only in the event of the death or incapacity of a licensee.

Dr. Paris shared that having a regulation in place requiring the plan is a good start and the Board could always come back and strengthen it if needed. Mr. Sweet commented that requiring a plan to be in place would be helpful in these circumstances. Ms. Knight cautioned that the Board should not be involved in the collection and maintenance of patient records. She noted many health practitioners already have plans in place and patients can often get their records by contacting the executor of the estate.

Ms. Walker informed the Committee that staff began drafting text regarding the minimum content of the patient records based on the prior discussions, and she asked if the Committee had any initial thoughts or feedback.

Dr. Paris indicated the requirement for the patient's signature is vague and should either be further specified or eliminated as redundant. Dr. Adams shared that he interpreted that requirement to apply to standard intake, privacy policy, and informed consent forms. Ms. Walker suggested that staff develop that language further to clarify the intent of the patient's signature on the intake forms.

Dr. Paris also commented on the proposed requirement for a key to any abbreviations within the patient records. He noted there are standard abbreviations that are very common throughout most health care systems and facilities so it may be unnecessarily burdensome. He suggested that it may be more appropriate for the key to be available upon request in the office but not required on every patient record. Dr. Adams and Mr. Sweet concurred. Ms. Walker explained the purpose of the abbreviation key is to provide guidance to patients when they review their records and also ensure the Board's investigative staff and expert consultants can understand the records when investigating a complaint. She agreed that the key could be maintained the office and would not need to be in each patient record or file.

Mr. Sweet noted the proposed language requires a notification to be sent within 30 days after a licensee passes away and questioned whether it may be appropriate to provide additional time for sending that notice. Dr. Adams and Dr. Paris concurred and suggested increasing the deadline to 60 days.

Dr. Paris recommended adding goals of care to the documentation requirements. Dr. Adams proposed adding "treatment plan, goals of care, including any

recommendation or orders.” Dr. Paris also suggested clarifying that the treatment record would be signed or initialed by the treating doctor of chiropractic or individual. Ms. Walker proposed that any record signed by an unlicensed individual should also identify the supervising doctor of chiropractic. Dr. Adams explained the doctor’s signature would appear on the direct order authorizing the treatment provided by the individual.

**Public Comment:** A caller identified as “ML” asked the following questions of the Committee: Does the treating chiropractor’s name have to be in patient records even if they are working with a medical doctor supposedly doing physical therapy? What if the chiropractor’s name is nowhere to be found in the medical record even if the patient was treated by that chiropractor, not a physical therapist nor the medical doctor in her case? ML indicated her medical records state she went in for physical therapy, but she went in for chiropractic care with adjustments and some physical therapy elements. She also stated the entire practice name is not mentioned anywhere, just the medical doctor who co-owned the practice. She stated the practice may be billing for physical therapy under the guide of chiropractic care, her records seem strange, and she is waiting for a response from Ms. Walker.

#### **6. Review, Discussion, and Possible Recommendation Regarding the Authorized Activities Performed by Unlicensed Individuals within a Chiropractic Practice (amend CCR, Title 16, section 312)**

Ms. Pitto summarized the background information on this Consumer Protection Enforcement Initiative (CPEI) regulatory proposal and shared that at the December 9, 2022 meeting, the Committee discussed the proposed language that had been approved by the Board in 2016, the role of the supervising doctor of chiropractic, the preparation of the doctor’s orders and treatment plan, and requirements for the licensee’s physical presence at the facility. She also stated the Committee discussed prohibiting former licensees whose licenses were revoked or surrendered from performing any unsupervised patient treatments and how the terms “work week” and “readily available” are too vague. She shared that staff gathered summary research on similar requirements from other states and asked the Committee to continue the discussion of this regulatory proposal.

Dr. Paris expressed his concern with the high variability the Board may see in training and establishing consistency in the activities that may be performed by unlicensed individuals. He noted that licensees spend semesters learning how to perform some of those services during the doctor of chiropractic degree program, and shared his reservations about allowing those services to be performed by unlicensed individuals without establishing competencies and minimum training requirements. He suggested strengthening those requirements in the interest of public protection and to provide assurances that those individuals are trained to provide the therapies, modalities, and treatments when the doctor of chiropractic is not present or directly supervising them.

Dr. Adams highlighted the inconsistencies in how other states regulate chiropractic assistants and unlicensed staff and explained the regulatory proposal is based on the assumption that the supervising doctor has trained their staff on the procedures they will be performing. Dr. Paris commented that there are national certification and training programs for chiropractic assistants through continuing education providers, chiropractic colleges, and associations. He also noted that many states require direct supervision and added there should be additional training in physiotherapy and emergency procedures and continuing education requirements for staff who will be indirectly supervised.

Mr. Sweet noted the Texas regulation requires licensees to document that the qualified individual has adequate training and skill to perform an act and suggested the Committee consider similar language. He also commented on the progress with this proposal. Dr. Adams proposed implementing a minimum level of training, examination, or experience requirements for staff within a practice. He also suggested expanding the language beyond physiotherapy to include other activities such as instructing a patient on proper lifting and rehabilitation exercises. He added the minimum of 25% of hours on a weekly basis could be changed to monthly basis.

Dr. Adams explained the language also needs to address a situation where a patient presents with a change in condition or status and require that a doctor of chiropractic evaluate that change and make any necessary changes to their order before the unlicensed individual can proceed.

Dr. Paris requested that the on-call language be updated to ensure that staff will immediately act in an emergency situation and not subject a patient to an unnecessary wait for a call-back from the supervising doctor. Dr. Adams concurred and noted staff should activate the emergency system immediately. Dr. Paris also proposed strengthening the language to ensure that the supervising doctor of chiropractic is present and interacts with their staff to prevent a situation where the supervisor and unlicensed individual are never present together in the practice. Dr. Adams replied that level of detail may not be necessary.

Dr. Paris requested that staff provide multiple versions of the proposed language with different requirements for the Committee's comparison and discussion at a future meeting. Ms. Walker agreed and offered to develop and present a few different options for the Committee to consider. Dr. Paris and Dr. Adams discussed the national chiropractic assistant certification training and examination requirements and possible options for substituting prior experience to qualify for the examination.

**Public Comment:** Falkyn Luouxmout stated there are some codes that are specifically based on a doctor's tiered orders and that power should not be given to non-doctors due to the precedent it would establish in regard to patient safety.



ML stated she was told the discussion would be about revoked licensees continuing to work with patients in an unlicensed capacity and asked why it was not addressed. She stated she does not agree that 25% presence is enough because there are offices where ethics are not their main priority. She thanked Dr. Paris for his concern for patient safety because her experience revealed what happens when there is no specific oversight or regulations. She stated she brought to the Board's attention an individual who continued to work with patients after his license was revoked for sexual misconduct, and the Board's regulations need clarification between someone who lost their license and chiropractic students and assistants. She stated in her scenario, the administrative law judge wrote in their decision that protection of the public requires that respondent's license be revoked and it would pose a risk of harm to the public to allow respondent to continue to practice as a chiropractor, even with restrictions, but it seems this former licensee still works at the same practice supposedly doing physical therapy and appears to be interacting with patients as he has new Yelp reviews indicating his title as "doctor." She asked how will the Board enforce former licensees at integrative practices and how will the Board inform licensees of the regulation changes. She stated another licensee was recently accused of sexually assaulting at least seven women and cannot work as a licensed chiropractor but can work in the capacity of an unlicensed assistant. She asked how is that okay, why are there no public records on his license profile, and did none of the patients come forward to the Board. She also asked how does the Board define physical therapy versus physiotherapy and where is the line between a chiropractor being allowed to do physical therapy versus an unlicensed person versus a doctor of physical therapy. She stated she called the Physical Therapy Board of California and they directed her to the Board to request this information and it seems the two boards may want to work together on what appears to be a confusing delineation.

Dr. Paris asked Falkyn Luouxmont to share the code references with Board staff. He thanked ML for her comments, noted the meeting materials contain proposed language that address the situation she mentioned, and stated the term physiotherapy is used in a chiropractic practice so the public does not confuse it with the physical therapy profession. Ms. Walker stated the meeting materials are available on the Board's website and emailed a copy to ML.

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

**Public Comment:** ML asked why the Board is inconsistent with which licensees' public disciplinary documents are uploaded to profiles and why Enforcement Manager William Walker III told her the Board does not post public documents which she now knows is incorrect information. She stated Ms. Walker informed her that the Board does post these documents, but it seems everyone is confused because her Assemblymember's office had to reach out to DCA. She stated the only reason the former licensee who committed misconduct against her has his public documents uploaded is because her Assemblymember contacted DCA and was told it was an oversight by Board staff and

they are now working to fix the issue and upload the files onto the Board website. She stated there are many disciplinary documents that have not been uploaded.

## **8. Future Agenda Items**

**Public Comment:** ML stated the materials Ms. Walker just sent to her were not on the Board's website the other day so she was unable to review any of this. She stated she is disappointed in Ms. Walker's lack of response to her after continually telling her that she is going to respond and send her answers. She stated she is patiently waiting for Ms. Walker to respond to many important items she has brought to her attention to protect patients and consumers and would like to see enforcement of the Board's employees for how long they take to respond to the public when items of importance are brought to their attention. She asked what is the timeframe for responding to the public and requested timely responses to her comments and questions listed and emailed previously. She asked the following questions: Why could the Board not have ordered probation on any or all of this person's misconduct or negligence, limited his interaction with female patients or required a female chaperone, requested that he stop drawing blood and doing IVs while falsely claiming to be a licensed vocational nurse, checked his public review pages, or interview more patients other than the few women who came forward? How is the Board making sure a revoked licensee is not continuing to practice? Is there a checkout process to explain what they can and cannot do? How will the revoked licensees find out when the Board's regulations are changed?

## **9. Adjournment**

Dr. Adams adjourned the meeting at 2:27 p.m.



**Agenda Item 3**  
**June 8, 2023**

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## **Update on Board's Enforcement Program**

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### **Purpose of the Item**

The Executive Officer and Board staff will provide the Committee with an update on the Board's Enforcement 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.

### **Attachment**

- Executive Officer's June 1, 2023 Memo to Committee Members Regarding Enforcement Program Activities and Statistics



# MEMORANDUM

## Agenda Item 3 Attachment

<b>DATE</b>	June 1, 2023
<b>TO</b>	Members of the Board of Chiropractic Examiners' Enforcement Committee
<b>FROM</b>	Kristin Walker, Executive Officer
<b>SUBJECT</b>	<b>Update on Board's Enforcement Program</b>

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

### Board and Committee Meetings

The following meetings have been scheduled:

- June 8, 2023 – Enforcement Committee (Teleconference)
- July 20, 2023 – Board (Hybrid/Teleconference)
- October 19-20, 2023 – Board

### Board Personnel Update

Austin Maha joined the Board as an Administrative Technician effective May 30, 2023. In addition, former Enforcement Analyst Tammi Pitto was promoted to the Board's Assistant Executive Officer effective June 1, 2023.

Recruitment efforts are currently underway to refill a vacant Associate Governmental Program Analyst position and a vacant Special Investigator position in the Enforcement Unit.

### Legislation Affecting the Board's Enforcement Program

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

This bill, known as the California Patient Protection, Safety, Disclosure, and Transparency Act, 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 indicating or implying the person is licensed to practice medicine. This bill was held under submission in the Assembly Appropriations Committee and is dead for 2023.

**AB 1028 (McKinnor) Reporting of crimes: mandated reporters.** 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. This bill passed the Assembly on May 31, 2023, and is pending assignment in the Senate.

**AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law.** This bill would prohibit a Department of Consumer Affairs (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. This bill passed the Assembly on May 22, 2023, and has been referred to the Senate Business, Professions and Economic Development Committee and Judiciary Committee.

**Senate Bill (SB) 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 to allow a person to request and obtain a licensee's or registrant's current name or enforcement action record linked to a former name. 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. This bill passed the Senate on May 22, 2023, and has been referred to the Assembly Business and Professions Committee and Judiciary Committee.

**SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.** 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. This bill passed the Senate on April 13, 2023, and has been referred to the Assembly Business and Professions Committee.

### **Proposed Regulations Affecting the Enforcement Program**

- 1. Delegation of Authority to the Assistant Executive Officer and Citation Program (Amend California Code of Regulations [CCR], Title 16, Sections 306, 389, 390, 390.3, 390.4, and 390.5):** This regulatory proposal will delegate to the Assistant Executive Officer the authority to expedite enforcement and administrative functions on behalf of the Executive Officer. Additionally, this proposal will ensure consistency with Business and Professions Code section 125.9 regarding BCE's citation program and criteria established for evaluating compliance with a citation and order of abatement. Staff is preparing the regulatory package for this proposal and plans to submit it to DCA for review in summer 2023.
- 2. Repeal Successful Examination (Obsolete Provision) [Repeal CCR, Title 16, Section 354]:** This proposal will repeal an obsolete provision in BCE's regulations that conflicts with other existing laws and regulations that prohibit the unlicensed practice of chiropractic. Staff is preparing the regulatory package for this proposal and plans to submit it to DCA for review in June 2023.
- 3. Sexual Contact with a Patient and Required Actions Against Registered Sex Offenders (Add CCR, Title 16, Sections 384.1 and 384.2):** This Consumer Protection Enforcement Initiative (CPEI) proposal will require any proposed decision containing a finding of fact that a licensee engaged in any act of sexual contact, as defined, or is subject to registration as a sex offender in any tier, to contain an order of revocation and prohibit the decision from containing a stay of the revocation. In addition, this proposal will require any Board decision containing a finding of fact that a licensee engaged in any act of sexual contact to contain an order of revocation, and require the Board to deny or revoke a license for any applicant, licensee, or petitioner who is subject to registration as a sex offender 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. Staff is preparing the regulatory package for this proposal and plans to submit it to DCA for review in June 2023.
- 4. Record Keeping Requirements for Chiropractic Patient Records, Including Retention and Disposition of Records Upon Closure of Practice or Death/Incapacity of Licensee (Amend CCR, Title 16, Section 318):** This proposal will update the record keeping requirements to specify the necessary documentation for the patient history, complaint, diagnosis/analysis, and treatment and to

differentiate between an initial patient encounter and an established patient visit. In addition, this proposal will specify the retention period and requirements for the disposition of patient records. Staff is updating this proposal based on feedback provided by the Enforcement Committee during its March 2, 2023 meeting.

- 5. Discipline by Other Public Agencies and Licensee Reporting Requirements (Amend CCR, Title 16, Sections 304 and 314):** This CPEI proposal will update the reporting of licensee discipline by other public agencies and clarify a licensee's duty to report any violation of the statutes and regulations governing the practice of chiropractic to the Board. The Enforcement Committee will discuss this proposal at its June 8, 2023 meeting.
- 6. Disciplinary Guidelines and Uniform Standards for Substance Abusing Licensees (Amend CCR, Title 16, Section 384):** This proposal will update the *Disciplinary Guidelines and Model Disciplinary Orders* and implement the Uniform Standards for Substance Abusing Licensees. Staff is developing necessary updates and revisions to BCE's *Disciplinary Guidelines* and the proposed language to amend CCR, title 16, section 384, incorporate the revised *Disciplinary Guidelines* by reference, and implement the Uniform Standards. Staff is updating this proposal based on feedback provided by the Enforcement Committee during its March 2, 2023 meeting.
- 7. Filing and Evaluation Process for Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation (Add CCR, Title 16, Section 385):** This CPEI proposal will update and enhance the process for petitions for reinstatement, reduction of penalty, and early termination of probation before the Board. The Enforcement Committee will discuss this proposal at its June 8, 2023 meeting.
- 8. Supervision of Unlicensed Individuals at Chiropractic Practices (Amend CCR, Title 16, Section 312):** This CPEI proposal will 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's treatment plan. Staff is updating this proposal based on feedback provided by the Enforcement Committee during its March 2, 2023 meeting.

## **Review of Enforcement Processes**

BCE's Enforcement Unit began a project with DCA's Organizational Improvement Office (OIO) to evaluate BCE's complaint intake, desk investigation, and field investigation processes and to identify strategies that will improve productivity, reduce investigation timeframes, and provide excellent customer service to those involved in the consumer

complaint process. The recommendations from this project are expected to be fully implemented throughout fiscal year 2022-23.

### Statistics

The tables below compare the annual Enforcement Program data from fiscal year 2022-23 (as of May 31, 2023) to the prior four fiscal years.

#### Complaints

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Complaints Received	642	785	474	507	425
Pending Complaints	592	594	511	360	474
Closed: No Violation	38	115	36	65	59
Closed: Insufficient Evidence	63	76	106	159	80
Closed with Merit	56	65	45	32	10
Closed: Letter of Admonishment	62	279	6	24	18

#### Citations

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Citations Issued	28	111	34	37	8
Total Fines Assessed	\$25,200	\$71,850	\$48,250	\$58,500	\$17,500
Total Fines Collected	\$29,104	\$64,820	\$35,635	\$37,126	\$43,256

#### Accusations

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Accusations Filed	23	19	28	53	19
Pending Cases	47	59	97	107	58

#### Disciplinary Cases Closed

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
License Revoked	13	4	4	14	4
Revocation Stayed: Probation	14	2	8	13	22
Rev. Stayed: Susp. / Probation	0	1	1	0	1
Voluntary Surrender of License	15	5	5	13	6
Dismissed/Withdrawn	2	0	1	4	5

#### Statements of Issues

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
SOI Filed	1	0	2	0	0
Withdrawn	2	0	1	0	0



Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Denied	1	1	1	0	0
Granted	0	0	0	0	0
Probationary License	1	0	0	0	0

Petitions for Reconsideration

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	1	3	0	1	3
Granted	0	0	0	0	0
Denied	1	3	0	1	3

Petitions for Reinstatement of License

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	3	8	5	3	2
Granted	0	2	0	1	2
Denied	8	5	1	7	6

Petitions for Early Termination of Probation

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	1	1	1	2	0
Granted	0	0	0	0	1
Denied	1	2	1	3	1

Petitions for Modification of Probation

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	0	2	1	0	1
Granted	0	2	1	0	0
Denied	0	0	0	1	0

Petitions by Board to Revoke Probation

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Filed	7	2	1	1	1
License Revoked	4	2	1	0	1

Probation Cases

Description	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23*
Active Probationers	80	67	61	64	73

## Strategic Plan

At the October 27, 2022 meeting, the Board adopted its [2022–2026 Strategic Plan](#). 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.

Four objectives from the Strategic Plan have been assigned to the Enforcement Committee:

**Objective 2.1:** Implement updated Disciplinary Guidelines, Uniform Standards for Substance Abusing Licensees, and Consumer Protection Enforcement Initiative (CPEI) regulations, to provide consistency and clarity in disciplinary penalties, help educate licensees and the public, and deter violations.

Start Date: Q1 2023

End Date: Q4 2025

Success Measure: Completed regulation process for all three areas (Disciplinary Guidelines, Uniform Standards for Substance Abusing Licensees, and CPEI regulations).

Task Number	Task Description	Responsible Party	Due Date	Status
2.1.1	Disciplinary Guidelines & Uniform Standards – finish developing the proposed guidelines.	Assistant Executive Officer	Q1 2023	In Progress
2.1.2	Disciplinary Guidelines & Uniform Standards – vet through Regulatory Counsel and DAG Liaison (AG’s office).	Assistant Executive Officer	Q1 2023	On Hold (pending completion of task 2.1.1)
2.1.3	Disciplinary Guidelines & Uniform Standards – present proposal to Enforcement Committee.	Enforcement Lead	Q2 2023	On Hold (pending completion of tasks 2.1.1 and 2.1.2)

<b>Task Number</b>	<b>Task Description</b>	<b>Responsible Party</b>	<b>Due Date</b>	<b>Status</b>
2.1.4	Disciplinary Guidelines & Uniform Standards – present proposal to Board.	Enforcement Lead	Q4 2023	On Hold (pending completion of tasks 2.1.1-2.1.3)
2.1.5	Disciplinary Guidelines & Uniform Standards – begin regulatory process.	Assistant Executive Officer	Q1 2024	On Hold (pending completion of tasks 2.1.1-2.1.4)
2.1.6	Disciplinary Guidelines & Uniform Standards – complete regulatory process.	Assistant Executive Officer	Q1 2025	On Hold (pending completion of tasks 2.1.1-2.1.5)
2.1.7	CPEI (12 regulations) – develop an action plan for the different regulations (assign to committees) and formalize plans with committee chairs to clarify assignments.	Executive Officer	Q1 2023	In Progress
2.1.8	CPEI – develop proposals.	Assistant Executive Officer	Q4 2023	In Progress
2.1.9	CPEI – vet through DCA Regulatory Counsel.	Assistant Executive Officer	Q4 2023	In Progress
2.1.10	CPEI – present proposals to appropriate Committees.	Enforcement Lead / Licensing Lead	Q1 2024	In Progress
2.1.11	CPEI – present proposals to Board.	Enforcement Lead / Licensing Lead	Q3 2024	In Progress

Task Number	Task Description	Responsible Party	Due Date	Status
2.1.12	CPEI – begin regulatory process.	Assistant Executive Officer	Q4 2024	On Hold (pending completion of tasks 2.1.7-2.1.11)
2.1.13	CPEI – complete regulatory process.	Assistant Executive Officer	Q4 2025	On Hold (pending completion of tasks 2.1.7-2.1.12)

**Objective 2.2:** Streamline internal enforcement processes and standards, including complaint intake, investigations, and case management activities, to increase efficiency and ensure timely action.

Start Date: Q4 2022

End Date: Q2 2025

Success Measure: Enforcement Program is meeting the established performance measure targets.

Task Number	Task Description	Responsible Party	Due Date	Status
2.2.1	Conduct process review with OIO.	Enforcement Analysts	Q4 2022	Complete
2.2.2	Document baseline processing times.	Executive Officer	Q1 2023	Complete
2.2.3	Standardize internal enforcement process – make sure all standards are met each time – considering OIO recommendations.	Assistant Executive Officer and Enforcement Manager	Q1 2023	In Progress
2.2.4	Update duty statements for staff in Enforcement Unit, separating case management from investigations (increasing specialization).	Executive Officer	Q1 2023	In Progress

Task Number	Task Description	Responsible Party	Due Date	Status
2.2.5	Update and document all processes/procedures.	Assistant Executive Officer and Enforcement Manager	Q2 2023	In Progress
2.2.6	Update training of all staff, cross-train on all tasks.	Enforcement Manager	Q2 2023	In Progress
2.2.7	Measure impact of process improvements on enforcement timeframes.	Executive Officer	Q2 2025	On Hold (pending completion of tasks 2.2.1-2.2.6)

**Objective 2.3:** Improve the effectiveness of the Enforcement Program by implementing Expert Witness program enhancements, including recruitment, training, and ongoing assessment of subject matter experts in specific areas of chiropractic practice.

Start Date: Q1 2023

End Date: Q4 2025

Success Measure: Program enhancements implemented, observed improvement in expert reports, and higher success rate at hearings.

Task Number	Task Description	Responsible Party	Due Date	Status
2.3.1	Begin recruitment process for new SMEs.	Executive Officer	Q1 2023	In Progress
2.3.2	Staff review SME applications.	Enforcement Manager	Q1 2023	On Hold (pending completion of 2.3.1)
2.3.3	Enforcement Committee members interview and vet potential SMEs.	Enforcement Committee	Q2 2023 – ongoing	On Hold (pending completion of tasks 2.3.2 and 2.3.3)

Task Number	Task Description	Responsible Party	Due Date	Status
2.3.4	Contract with SMEs selected.	Enforcement Lead	Q2 2023 – ongoing	On Hold (pending completion of tasks 2.3.1-2.3.3)
2.3.5	Train SMEs.	Executive Officer and Assistant Executive Officer	Q3 2023 – ongoing	On Hold (pending completion of tasks 2.3.1-2.3.4)
2.3.6	Measure effectiveness of expert witnesses (success ratio, input from Deputy Attorney General [DAG]).	Assistant Executive Officer and Enforcement Manager	Q4 2023 – ongoing	In Progress
2.3.7	Report on effectiveness of SMEs to Enforcement Committee and provide any further recommendations.	Enforcement Lead	Q4 2023 – ongoing	On Hold (pending completion of tasks 2.3.1-2.3.6)
2.3.8	Continue monitoring effectiveness of Expert Witness Program (identify benchmarks – outcomes and hearing success).	Executive Officer and Enforcement Committee	Q4 2025 – ongoing	On Hold (pending completion of tasks 2.3.1-2.3.7)

**Objective 2.4:** Develop and implement clearly defined standards for licensee recordkeeping by updating regulations to provide consistency and clarity to licensees, the public, and other stakeholders.

Start Date: Q4 2022  
 End Date: Q4 2024

Success Measure: Adopted updated standards for licensee recordkeeping into regulation.

<b>Task Number</b>	<b>Task Description</b>	<b>Responsible Party</b>	<b>Due Date</b>	<b>Status</b>
2.4.1	Review and discuss requirements in other states.	Executive Officer and Enforcement Committee	Q4 2022	Complete
2.4.2	Develop a regulatory proposal for consideration by the Enforcement Committee.	Executive Officer	Q1 2023	In Progress
2.4.3	Have Legal/Regulations Counsel review proposal.	Executive Officer	Q1 2023	In Progress
2.4.4	Present proposal to Enforcement Committee for review, discussion, and possible recommendation to Board.	Executive Officer	Q2 2023	In Progress
2.4.5	Obtain Board approval of proposal.	Executive Officer	Q4 2023	On Hold (pending completion of tasks 2.4.1-2.4.4)
2.4.6	Begin regulatory process (formally submitting to DCA for approval, ready for Director's Review).	Assistant Executive Officer and Enforcement Lead	Q4 2023	On Hold (pending completion of tasks 2.4.1-2.4.5)
2.4.7	Complete regulatory process.	Assistant Executive Officer and Enforcement Lead	Q4 2024	On Hold (pending completion of tasks 2.4.1-2.4.6)



**Agenda Item 4  
June 8, 2023**

**Review, Discussion, and Possible Recommendation Regarding Discipline Against Licensees by Other Public Agencies and Licensee Reporting of Convictions, Disciplinary Actions, and Other Violations to the Board (amend California Code of Regulations [CCR], Title 16, sections 304 and 314)**

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**Purpose of the Item**

The Committee will review and discuss the pending regulatory proposal to expand the disciplinary actions by other agencies that constitute unprofessional conduct and the requirements for reporting indictments, convictions, and discipline to the Board.

**Action Requested**

The Committee will be asked to engage in a policy discussion regarding this proposal and provide direction to staff.

**Background**

At the May 19, 2016 Board meeting, as part of a planned comprehensive Consumer Protection Enforcement Initiative (CPEI) regulatory package, the Board approved proposed language to amend California Code of Regulations (CCR), title 16, sections 304 (Discipline by Another Jurisdiction) and 314 (Law Violators) and to add CCR, title 16, section 317.3 (Licensee Reporting Requirements). Staff subsequently merged section 317.3 with section 314 to place the licensee reporting requirements in a single section.

During the December 16, 2021 Board meeting, the Board voted to divide the pending CPEI regulation package into six proposals grouped by topic. Sections 304 and 314 were placed together.

**Amend CCR, Title 16, Section 304 (Discipline by Another Jurisdiction)**

CCR, title 16, section 304 currently makes the discipline by another state of a license to practice chiropractic or any other health profession grounds for disciplinary action against a licensee by the Board.

In addition, Business and Professions Code (BPC) section states:

“(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the



disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events therein.

“(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

Through this CPEI proposal, the Board was seeking to amend CCR, title 16, section 304 to broadly make “any disciplinary action” of a professional license by a state or federal agency or foreign government constitute unprofessional conduct and grounds for disciplinary action against the licensee.

At this meeting, the Committee is asked to discuss this concept and whether the regulation should be limited to discipline by another agency that is “substantially related” to the practice of chiropractic.

### **Amend CCR, Title 16, Section 314 (Licensee Reporting Requirements)**

CCR, title 16, section 314 currently makes it the duty of every licensee to notify the Executive Officer of any violation of the Chiropractic Initiative Act or the Board’s regulations. The proposed language adds “and statutes governing the practice of chiropractic” to this regulation.

Staff recommends expanding this requirement to include suspected or actual violations, allowing the notification to be made by filing a complaint, and establishing a deadline for making this notification to the Board.

Currently, licensees are required to report any criminal convictions or disciplinary actions to the Board on their annual license renewal applications. Proposed subdivisions (b) through (d) of this section would require a licensee to report a felony charge, any felony or misdemeanor conviction, or any disciplinary action to the Board within 30 days of the action.

At this meeting, the Committee is asked to consider whether this regulation should also require licensees to report an arrest to the Board within 30 days.

### **Attachment**

- Proposed Language to Amend California Code of Regulations, Title 16, Sections 304 and 314 (as Approved by the Board on May 19, 2016)

**Proposed Language to Amend California Code of Regulations, Title 16,  
Sections 304 and 314 (as Approved by the Board on May 19, 2016)**

**§ 304. Discipline by Another State Jurisdiction.**

~~The revocation, suspension, or other discipline by another state of a license or certificate to practice chiropractic, or any other health care profession for which a license or certificate is required, shall constitute grounds for disciplinary action against a chiropractic licensee or grounds for the denial of chiropractic licensure of an applicant in this state.~~

(a) Any disciplinary action taken against a licensee by another licensing entity or authority of this state or of another state or an agency of the federal government or province thereof, or the United States Military or a foreign government or any other jurisdiction shall constitute unprofessional conduct.

(b) Disciplinary action is defined as any revocation, suspension, probation, or reprimand of a professional license.

NOTE: Authority cited: Section 4(b) and 10(a) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii). Reference: Section 4(b) and 10(a) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii).

**§ 314. ~~Law Violators~~ Licensee Reporting Requirements.**

(a) It shall be the duty of every licensee to notify the Executive Officer or his or her designee of any violation of the act and statutes governing the practice of chiropractic, or of these rules and regulations, in order that the board may take appropriate disciplinary action.

(b) A licensee shall report any of the following to the board:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.

(3) Any disciplinary action, as defined in section 304.

(c) The reported required by subdivision (b) shall be made in writing within 30 days of the date of the bringing of the indictment or the charging of a felony, the arrest, the conviction, or the disciplinary action.

(d) Failure to make a report required by subdivision (b) shall constitute unprofessional conduct.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii). Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii).



**Agenda Item 5  
June 8, 2023**

**Review, Discussion, and Possible Recommendation Regarding the Filing and Evaluation Process for Petitions for Reinstatement, Reduction of Penalty, and Early Termination of Probation (amend CCR, Title 16, section 365 and add CCR, Title 16, section 385)**

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**Purpose of the Item**

The Committee will review and discuss the pending regulatory proposal regarding the process for filing and evaluating petitions for reinstatement of a revoked or surrendered license, reduction or modification of penalty, and early termination of probation.

**Action Requested**

The Committee will be asked to engage in a policy discussion regarding the petition process and provide direction to staff.

**Background**

At the May 19, 2016 Board meeting, as part of a planned comprehensive Consumer Protection Enforcement Initiative (CPEI) regulatory package, the Board approved proposed language to add California Code of Regulations (CCR), title 16, section 384.1 (Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation) and incorporate three application forms by reference: “Petition for Reinstatement of Revoked License” (Form No. 09PRRL, 05/2016); “Petition for Early Termination of Probation” (Form No. 09PTP, 05/2016); and “Petition for Reduction of Penalty” (Form No. 09PRP, 05/2016).

During the December 16, 2021 Board meeting, the Board voted to divide the pending CPEI regulation package into six proposals grouped by topic. Section 384.1 was separated and placed in a single topic proposal. Staff subsequently renumbered this proposed section as 385 to avoid overlapping other disciplinary regulations.

At this meeting, the Committee will be asked to review and discuss the previously approved proposed language and forms, consider additional changes that may enhance consumer protection and improve the petition process, and provide feedback and direction to staff.

**Current Petition Process**

The Board receives and considers three types of petitions: 1) petition for reinstatement of a revoked or surrendered license; 2) petition for reduction or modification of penalty; and 3) petition for early termination of probation.

Section 10(c) of the Chiropractic Initiative Act allows the Board to reinstate a revoked or surrendered license at any time after two years following the effective date of the disciplinary action. Business and Professions Code section 1003, subdivision (b) imposes a minimum revocation period of 10 years upon a second conviction for, or upon being convicted of more than one count of, violating BPC section 650, Insurance Code section 750 or 1871.4, or Penal Code section 549 or 550.

In addition to preparing a petition for reinstatement and paying the \$4,185 application fee, petitioners must complete fingerprinting for a state and federal level criminal record search and provide documentation of continuing education (CE) for each year the license was revoked or surrendered.

Current probationers may petition the Board for modification and/or early termination of probation after one year following the effective date of their disciplinary decision (Government Code section 11522) by filing a petition and paying the \$3,195 application fee.

After staff has verified the petitioner has met the minimum requirements to be heard by the Board, staff schedules the petition hearing during a quarterly Board meeting. An administrative law judge from the Office of Administrative Hearings presides over the hearing and prepares the Board's decision to grant or deny the petition.

### **Continuing Education Requirement for Petitions for Reinstatement of License**

CCR, title 16, section 365 states:

“Any person making application for reinstatement or restoration of a license which has been revoked shall be required to fulfill the continuing education requirements for each year the license was revoked and may be required to complete an approved course of continuing education, or to complete such study or training as the board deems appropriate.”

During its October 6, 2022 meeting, the Continuing Education Committee discussed how the Board frequently observes that petitioners repeat the same CE courses to fulfill this requirement instead of completing a variety of courses because the Board's regulations do not restrict or prohibit them from earning CE credit multiple times by repeating a course. The Committee also discussed how petitioners whose licenses have been revoked or surrendered for at least five years should be required to take and pass the National Board of Chiropractic Examiners (NBCE) Part IV Examination in order to be reinstated.

Following the discussion, the Committee recommended the Enforcement Committee discuss amending CCR, title 16, section 365 to: 1) limit the repetition of CE courses by petitioners; 2) consider requiring the NBCE Part IV examination before reinstatement of a license that has been revoked or surrendered for five years or more; and 3) consider

setting a maximum of four renewal cycles of CE. At this meeting, the Enforcement Committee will be asked to engage in that discussion.

### **Other Potential Changes to the Petition Process**

After evaluating the Board's existing petition process and reviewing the petition forms and application processes of other Department of Consumer Affairs healing arts boards, staff suggests the Committee consider the following additional changes to improve the petition process and enhance consumer protection:

- Combine the "Petition for Early Termination of Probation" and "Petition for Reduction of Penalty" into a single form because probationers can file those requests together.
- Prohibit a petitioner from being heard while they are under sentence for any criminal offense, including any period during which they are on court-imposed probation or parole, or while they are subject to registration as a tier-two or tier-three sex offender.
- Prohibit a probationer's petition from being heard while there is an accusation or petition to revoke probation pending against them.
- Require a narrative statement with each petition addressing the cause(s) for discipline and describing the petitioner's rehabilitative efforts, the reasons the petitioner's request should be granted, and the petitioner's plans if their license is reinstated or their request for modification or early termination of probation is granted.
- Require a minimum of two verified recommendations from doctors of chiropractic or other health professionals licensed in any state who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed.
- Establish a process for handling the abandonment of a petition application, such as the one-year period used during the licensure process.

### **Attachments**

1. Proposed Language to Amend California Code of Regulations, Title 16, Section 385 (as Approved by the Board on May 19, 2016)
2. Petition for Reinstatement of Revoked License (Form No. 09PRRL, 05/2016) [as Approved by the Board on May 19, 2016]
3. Petition for Early Termination of Probation (Form No. 09PTP, 05/2016) [as Approved by the Board on May 19, 2016]
4. Petition for Reduction of Penalty (Form No. 09PRP, 05/2016) [as Approved by the Board on May 19, 2016]

### **External Resources**

1. Medical Board of California
  - [Instructions for Completing a Medical Board of California Petition for Penalty Relief](#)
  - [Petition for Penalty Relief Form](#)
2. Physical Therapy Board of California
  - [Instructions for Preparing a Petition for Penalty Relief](#)
  - [Petition for Reduction of Penalty Form](#)

**Proposed Language to Add California Code of Regulations, Title 16, Section 385  
(as Approved by the Board of Chiropractic Examiners on May 19, 2016)**

**§ 385. Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation.**

(a) In petitioning for Reinstatement under Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) or Reduction of Penalty which would include Early Termination of Probation under Government Code section 11522, the petitioner has the burden of demonstrating any rehabilitative or corrective measures he or she has taken since the revocation or disciplinary action and, that he or she has the necessary and current qualifications and skills to safely engage in the practice of chiropractic within the scope of current law, and accepted standards of practice.

(b) In reaching its determination the board may consider various factors including the following:

(1) The original violation(s) for which action was taken against the petitioner's license including:

(A) The type, severity, number, and length of violations.

(B) Whether the violation involved intentional, negligent, or other unprofessional conduct.

(C) Actual or potential harm to the public, patients, or others.

(D) The length of time since the violation(s) was committed.

(2) Prior disciplinary and criminal actions also taken against the petitioner by the board, any local, state, or federal entity, territory, foreign country, or U.S. federal jurisdiction:

(A) The petitioner's compliance with all terms of probation, parole, previous discipline or other lawfully imposed sanctions including any order of restitution.

(B) Whether the petitioner is currently on or has been terminated from probation or other lawfully imposed sanction.

(C) The petitioner's legal and regulatory history to and since the violation(s).



(3) The petitioner's attitude toward his or her commission of the original violation(s) and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts.

(4) The petitioner's documented rehabilitative efforts including:

(A) Efforts to maintain and/or upgrade professional skills and knowledge through continuing education or other methods.

(B) Efforts to establish safeguards to prevent repetition of the original violation(s) including changes or modifications in policies, structure, systems, or methods of behavior applicable to the petitioner's chiropractic practice.

(C) Service to community or charitable groups.

(D) Voluntary restitution to those affected by the original violation(s).

(E) Use of appropriate professional medical or psychotherapeutic treatment.

(F) Participation in appropriate self-help and/or rehabilitation groups.

(G) Use of appropriate peer review mechanisms.

(H) Participation in professional chiropractic organizations or associations.

(5) Assessment of the petitioner's rehabilitative and corrective efforts including:

(A) Whether the efforts relate to the original violation(s).

(B) The date rehabilitative efforts were initiated.

(C) The length, time, and expense associated with rehabilitative efforts or corrective actions.

(D) The assessment and recommendations of qualified professionals directly involved in the petitioner's rehabilitative efforts or acting at the request of the board, including their description of the petitioner's progress and their prognosis of the petitioner's current ability to practice chiropractic.

(E) The petitioner's reputation for truth, professional ability and good character since the commission of the original violation(s).

(F) The nature and status of ongoing and continuing rehabilitation efforts.

(c) In addition, the board may consider other appropriate and relevant matters not listed in the above guidelines.

(d) All statements to be introduced at hearing must be made in person or pursuant to Government Code section 11514 (evidence by affidavit). All other statements not made

in person or pursuant to Government Code section 11514 must be under oath and will be considered only as administrative hearsay.

(e) A petition for reinstatement shall be submitted on an application form (Form # 09PRRL – Revised 05/2016) prescribed and provided by the board, and titled “Petition for Reinstatement of Revoked License,” accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(f) A petition for early termination of probation shall be submitted on an application form (Form # 09PTP – Revised 05/2016) prescribed and provided by the board, and titled “Petition for Early Termination of Probation,” accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(g) A petition for reduction of penalty shall be submitted on an application form (Form # 09PRP – Revised 05/2016) prescribed and provided by the board, and titled “Petition for Reduction of Penalty,” and accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(h) A petitioner pursuant to Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) whose license has been revoked or cancelled may not petition the board for reinstatement until two (2) years has elapsed since the effective date of the decision revoking the license or the date the license was cancelled.

NOTE: Authority cited: Sections 1000-4(b) 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii); Section 1003 Business and Professions Code; and Sections 11514 and 11522 Government Code. Reference: Sections 1000-4(b) and 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

**Agenda Item 5  
Attachment 2**

## Petition for Reinstatement of Revoked License

Pursuant to Section 1000-10(c) of the Business and Professions Code (BPC) (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii), a petitioner whose license has been revoked or cancelled may not petition the board for reinstatement until two years has elapsed since the effective date of the Board's disciplinary action decision. A petitioner who is subject to Section 1003 of the Business and Professions Code may not petition the board for reinstatement until ten years has elapsed since the effective date of the decision.

All items of information in the application are mandatory. If additional space is needed to answer any questions on this form, please attach the information on additional sheets of paper. In addition, petitioners for reinstatement of a license must submit either the second copy of their completed Live Scan form (California residents) or fingerprint cards and a \$49.00 fee (out-of-state residents) with this application. Failure to provide any of the requested information will deem this application incomplete.

Name: (Last, First, Middle)			Board Meeting Date Requested:	
Address of Record:		City:	State:	Zip:
Home Telephone:	Work Telephone:	E-mail (optional):	License Number:	Date Issued:
1) List all states, territories, foreign countries, or U.S. federal jurisdictions where you have ever been licensed as a DC, including license number and status of each license:				
2a) Have you ever had a DC license or other professional license or certificate disciplined by another California board/bureau, local, state, or federal entity, territory, foreign country, or U.S. federal jurisdiction? ( <i>Includes surrender of license</i> )				
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
b) Have you had an application for any professional license or certification denied?				
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered yes to either question above, please provide an explanation:				
3a) Have you been convicted or pled guilty or nolo contendere to ANY offense (include misdemeanor or felony) of any local, state, or federal law of any state, territory, foreign country, or U.S. federal jurisdiction subsequent to your Board disciplinary action? <i>This includes every citation, infraction, misdemeanor and/or felony, including traffic violations of \$500 or more.</i>				
<i>This includes every citation, infraction, misdemeanor and/or felony, including traffic violations of \$500 or more. NOTE: Convictions that were adjudicated in the juvenile court, dismissed per Penal Code section 1000.3, or convictions two years or older under California Health and Safety Code sections 11357(b),(c),(d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed.</i>				
<i>Proof of Dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4a, or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application.</i>				
b) Are you charged in any pending criminal action?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
c) Are you currently on court imposed probation or parole?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
d) Are you currently subject to an order of registration as a sex offender pursuant to Section 290 of the Penal Code?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered yes to any questions above, please provide an explanation and documentation of your criminal court documents (i.e. complaint, minute order, indictment, plea agreement, etc.):				

4) Summarize the nature of the act(s) causing the disciplinary action against your California DC license:

5) Explain fully why you feel your license should be reinstated:

6) Relative to the acts resulting in the discipline of your California DC license, what have you done to ensure that you are now safe to practice chiropractic? (Attach or submit documents to support your statements.)

7) List any education courses you have completed since the date of disciplinary action, including dates, location, type of course and number of hours/units: (Attach or submit documentation to support your statements.)

8) List all chiropractic materials you have studied during the last year.

9) List all continuing education courses you have completed since your license was disciplined. Attach copies of certificates.

9) Provide a chronological list of your employment history since the date of disciplinary action against your DC license. Include beginning and ending dates, name and address of employer, job title, description of duties, and reason(s) for leaving.

### **Petition Declaration/Signature**

**I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of the foregoing information contained in this petition, including any attachments.**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## NOTICE REGARDING INFORMATION COLLECTION AND ACCESS

Information requested in the petition is mandatory and is authorized to be collected in accordance with sections 4 and 10 of the Chiropractic Initiative Act of California ("Act"), section 11522 of the Government Code and sections 305, 325, 326 and 365 of the California Code of Regulations. The information requested will be used to determine eligibility for reinstatement of a revoked license. Failure to provide all or any part of the requested information will result in the petition being rejected as incomplete.

We make every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by State or Federal law; or,
- In response to a court or administrative order, a subpoena, or a search warrant.

Per California Civil Code Section 1798.17 (Information Practices Act), the Executive Officer of the board is responsible for maintaining information in this petition. Each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure. Requests for information may be addressed to the custodian of records at the following: Board of Chiropractic Examiners, 901 P Street, Suite 142A, Sacramento, CA 95814, (916) 263-5355.

Mail your application and attachments to:

State of California  
Board of Chiropractic Examiners  
901 P Street, Suite 142A  
Sacramento, California 95814  
(916) 263-5355

## Petition for Early Termination of Probation

Petitions for early termination of probation will not be accepted until one year has passed from the effective date of the Board's decision or from the date of the denial of a similar petition. The decision on the petition will be made by the full Board in accordance with Section 11522 of the Government Code and may take into consideration the factors set forth in Section 384.1 of the Board's regulations (at Title 16, California Code of Regulations (CCR)).

All items of information in the application are mandatory. If additional space is needed to answer any questions on this form, please attach the information on additional sheets of paper. Failure to provide any of the requested information will result in this application being rejected as incomplete. (See the "Notice Regarding Information Collection and Access" below for further information.)

Name: (Last, First, Middle)			Board Meeting Date Requested:	
Business Address:		City:	State:	Zip:
Home Telephone:	Work Telephone:	e-mail (optional):	License Number:	Date Issued:
1) Have you ever petitioned for early termination of probation? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the date(s):				
2) List all states, territories, foreign countries, or U.S. federal jurisdictions where you have ever been licensed as a D.C., including license number and status of each license:				
3a) Have you ever had a D.C. license or other professional license or certificate disciplined by another California board/bureau, local, state, or federal entity, territory, foreign country, or U.S. federal jurisdiction? ( <i>Disciplinary action is defined as any revocation, suspension, probation, or reprimand of a professional license and includes surrender of license</i> ) <input type="checkbox"/> Yes <input type="checkbox"/> No				
b) Have you had an application for any professional license or certification denied? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If you answered yes to either question above, please provide an explanation (attach additional pages if needed):				
4a) Have you been convicted or pled guilty or nolo contendere to ANY offense (include misdemeanor or felony) of any local, state or federal law of any state, territory, foreign country or U.S. federal jurisdiction subsequent to your Board disciplinary action? <i>This includes every citation, infraction, misdemeanor and/or felony, including traffic violations of \$500 or more. NOTE: Convictions that were adjudicated in the juvenile court, dismissed per Penal Code section 1000.3, or convictions two years or older under California Health and Safety Code sections 11357(b),(c),(d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed.</i> <i>Proof of Dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4a, or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application.</i>				
b) Are you charged in any pending criminal action? <input type="checkbox"/> Yes <input type="checkbox"/> No				
c) Are you currently on court-imposed probation or parole? <input type="checkbox"/> Yes <input type="checkbox"/> No				
d) Are you currently subject to an order of registration as a sex offender pursuant to Section 290 of the Penal Code? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If you answered yes to any questions above, please provide an explanation and documentation of your criminal court documents (i.e. complaint, minute order, indictment, plea agreement, etc.):				

5) Summarize the nature of the act(s) causing the disciplinary action against your California D.C. license:

6) Explain fully why you feel your probation should be terminated early:

7) In addition to the terms of your probation, what other rehabilitative or corrective measures have you taken since your license was disciplined to support your petition for early termination of probation? List dates, measures taken or rehabilitation programs, and current status. You may include any community service or volunteer work. (Attach or submit documents to support your statements.)

8) List any education courses you have completed since the date of disciplinary action, including dates, location, type of course and number of hours/units: (Attach or submit documentation to support your statements.)

9) Provide a chronological list of your employment history since the date of disciplinary action against your D.C. license. Include beginning and ending dates, name and address of employer, job title, description of duties, and reason(s) for leaving, if any.

**Petition Declaration/Signature**

**I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of the foregoing information contained in this petition, including any attachments.**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **NOTICE REGARDING INFORMATION COLLECTION AND ACCESS**

Information requested in this petition is mandatory and is authorized to be collected in accordance with sections 4 and 10 of the Chiropractic Initiative Act of California ("Act"), section 11522 of the Government Code and sections 304, 305, 325, 326 and 384.1 of Title 16 of the California Code of Regulations. The information requested will be used to determine eligibility for early termination of probation. Failure to provide all or any part of the requested information will result in the petition being rejected as incomplete. We make every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by State or Federal law; or,
- In response to a court or administrative order, a subpoena, or a search warrant.

Per California Civil Code Section 1798.17 (Information Practices Act), the Executive Officer of the board is responsible for maintaining information in the petition. Each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure under Section 1798.40 of the Civil Code. Requests for information or access to your records may be addressed to the custodian of records at the following: Board of Chiropractic Examiners, 901 P Street, Suite 142A Sacramento, CA 95814, (916) 263-5355.

Mail your application and attachments to:

State of California  
Board of Chiropractic Examiners  
901 P Street, Suite 142A  
Sacramento, California 95814  
(916) 263-5355



## Petition for Reduction of Penalty

Petitions for reduction of the probation penalty will not be accepted until one year has passed from the effective date of the Board's decision or from the date of the denial of a similar petition. The decision on the petition will be made by the full Board in accordance with Section 11522 of the Government Code and may take into consideration the factors set forth in Section 384.1 of the Board's regulations (at Title 16, California Code of Regulations (CCR)).

All items of information in the application are mandatory. If additional space is needed to answer any questions on this form, please attach the information on additional sheets of paper. Failure to provide any of the requested information will result in this application being rejected as incomplete. (See the "Notice Regarding Information Collection and Access" below for further information.)

Name: (Last, First, Middle)		Board Meeting Date Requested:	
Address of Record:		City:	State: Zip:
Home Telephone:	Work Telephone:	E-mail (optional):	License Number: Date Issued:
1) List all states, territories, foreign countries, or U.S. federal jurisdictions where you have ever been licensed as a DC, including license number and status of each license:			
2a) Have you ever had a DC license or other professional license or certificate disciplined by another California board/bureau, local, state, or federal entity, territory, foreign country, or U.S. federal jurisdiction? <i>(Includes surrender of license)</i>			
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
b) Have you had an application for any professional license or certification denied?			
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered yes to either question above, please provide an explanation:			
3a) Have you been convicted or pled guilty or nolo contendere to ANY offense (include misdemeanor or felony) of any local, state, or federal law of any state, territory, foreign country, or U.S. federal jurisdiction subsequent to your Board disciplinary action? <i>This includes every citation, infraction, misdemeanor and/or felony, including traffic violations of \$500 or more.</i>			
<i>This includes every citation, infraction, misdemeanor and/or felony, including traffic violations of \$500 or more. NOTE: Convictions that were adjudicated in the juvenile court, dismissed per Penal Code section 1000.3, or convictions two years or older under California Health and Safety Code sections 11357(b),(c),(d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed.</i>			
<i>Proof of Dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4a, or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application.</i>			
b) Are you charged in any pending criminal action?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
c) Are you currently on court imposed probation or parole?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
d) Are you currently subject to an order of registration as a sex offender pursuant to Section 290 of the Penal Code?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered yes to any questions above, please provide an explanation and documentation of your criminal court documents (i.e. complaint, minute order, indictment, plea agreement, etc.):			

5) Summarize the nature of the act(s) causing the disciplinary action against your California D.C. license:

6) Explain fully why you feel your probation penalty should be reduced:

7) In addition to the terms of your probation, what other rehabilitative or corrective measures have you taken since your license was disciplined to support your petition for reduction of probation penalty? List dates, measures taken or rehabilitation programs, and current status. You may include any community service or volunteer work. (Attach or submit documents to support your statements.)

8) List any education courses you have completed since the date of disciplinary action, including dates, location, type of course and number of hours/units: (Attach or submit documentation to support your statements.)

9) Provide a chronological list of your employment history since the date of disciplinary action against your DC license. Include beginning and ending dates, name and address of employer, job title, description of duties, and reason(s) for leaving, if any.

### Petition Declaration/Signature

**I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of the foregoing information contained in this petition, including any attachments.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## NOTICE REGARDING INFORMATION COLLECTION AND ACCESS

Information requested in the petition is mandatory and is authorized to be collected in accordance with sections 4 and 10 of the Chiropractic Initiative Act of California ("Act"), section 11522 of the Government Code and sections 304, 305, 325, 326, and 384.1 of Title 16 of the California Code of Regulations. Failure to provide all or any part of the requested information will result in the petition being rejected as incomplete. The information requested will be used to determine eligibility for reduction of penalty. We make every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:

- In response to a Public Records Act request (Government Code Section 6250 and following), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by State or Federal law; or,
- In response to a court or administrative order, a subpoena, or a search warrant.

Per California Civil Code Section 1798.17 (Information Practices Act), the Executive Officer of the board is responsible for maintaining information in this petition. Each individual has the right to review the personal information maintained by the agency unless the records are exempt from disclosure under Section 1798.40 of the Civil Code. Requests for information or access to your records may be addressed to the custodian of records at the following: Board of Chiropractic Examiners, 901 P Street, Suite 142A Sacramento, CA 95814, (916) 263-5355.

Mail your application and attachments to:

State of California  
Board of Chiropractic Examiners  
901 P Street, Suite 142A  
Sacramento, California 95814  
(916) 263-5355



**Agenda Item 6**  
**June 8, 2023**

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

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### **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).]



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  
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**Agenda Item 7**  
**June 8, 2023**

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## **Future Agenda Items**

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### **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**  
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## Adjournment

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