



BOARD OF CHIROPRACTIC EXAMINERS MEETING MINUTES

April 20, 2023

In accordance with the statutory provisions of Government Code section 11133, the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on April 20, 2023.

Board Members Present

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

Staff Present

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

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

Dr. Paris called the meeting to order at 9:05 a.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

2. Public Comment for Items Not on the Agenda

Public Comment: Gwendolyn Anderson asked for more steps to be taken to prevent predatory actions by chiropractors. She stated her recent experience with a chiropractor was disconcerting, but she felt that if she told anyone, they would think she was making it up to slander the chiropractor. She stated she went online and confirmed that the treatment that was suggested to her was not standard and she requested that the Board's consumer webpage explain those standards more clearly so the public knows they should be reporting these types of experiences.

3. Petition Hearing for Reinstatement of Revoked License

Administrative Law Judge Matthew Block presided over the following petition hearing before the Board:

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

Deputy Attorney General Steve Pyun appeared at the hearing on behalf of the people of the State of California.

4. Closed Session

The Board met in closed session to:

- A. Deliberate and vote on disciplinary matters, including the above petition, pursuant to Government Code section 11126, subdivision (c); and
- B. Confer with and receive advice from legal counsel regarding *Elizabeth Acosta v. Board of Chiropractic Examiners*, Los Angeles County Superior Court, Case No. BC698162, pursuant to Government Code section 11126, subdivision (e).

5. Reconvene to Open Session

The Board returned to open session and continued with the agenda.

6. Board Chair's Report

Dr. Paris thanked the Board members for their dedication and participation in the policy discussions at the committee meetings. He highlighted the Board's ongoing efforts to engage with stakeholders and shared his observations of increased participation and interaction with the public and stakeholders during committee and Board meetings. He shared that he and Dr. Adams presented to licensees and students at the California Chiropractic Association's (CalChiro) Legislative Day on April 11, 2023, and participated in discussions with the attendees. Dr. Adams added that he spent that afternoon engaging with staff at the Board's office and answering questions regarding the practice of chiropractic. Dr. Paris also stated that he, Dr. Daniels, and Ms. Walker had a discussion with representatives from the Council on Chiropractic Education (CCE) and chiropractic colleges on April 17, 2023, regarding the Chiropractic Initiative Act (Act) and curriculum regulations.

Dr. Paris reiterated his goals for 2023 to continue the momentum on the pending regulatory proposals and continue to increase outreach and engagement with stakeholders.

Public Comment: None.

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

Judie Bucciarelli from DCA's Office of Board and Bureau Relations (BBR) updated the Board on: the work of DCA's Diversity, Equity, and Inclusion (DEI) Steering Committee;

the availability of DEI courses to all employees; mandatory trainings for 2023, including sexual harassment prevention training and information security awareness; DCA's Board Member Orientation Training (BMOT), which will be held on June 20, 2023, and October 10, 2023; and the upcoming expiration of the teleconferencing provisions that allow the Board to conduct remote meetings without identifying the teleconference locations in the meeting notice and agenda. She provided information regarding the new federal law that took effect on January 5, 2023, and enables service members and their spouses who hold professional licenses in a different state to practice in California within the same professional discipline and a similar scope of practice if they are required to relocate to California due to their military orders. She also shared that DCA submitted its 2021-22 Annual Report to the Legislature and it is available on DCA's website.

Dr. Paris asked if the DEI certification course is available to Board members. Ms. Bucciarelli encouraged Ms. Walker to follow up with BBR regarding potential training opportunities for Board members. Ms. Cruz expressed her support for DCA's DEI efforts.

Public Comment: None.

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

This agenda item was tabled to the July 20, 2023 Board meeting.

9. Review and Possible Ratification of Approved Doctor of Chiropractic License Applications

Motion: Dr. Adams moved to ratify the approved doctor of chiropractic license applications.

Second: Mr. Sweet seconded the motion.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

10. Review and Possible Ratification of Approved Continuing Education Provider Applications

Dr. Paris noted one of the PowerPoint slides attached to Michael Wasilisin's continuing education (CE) provider application contained foul language and suggested that staff review the entire presentation and discuss the issue with Mr. Wasilisin before the Board approves his application. Dr. Adams agreed that the language is offensive but

questioned whether the Board could require the removal of that term. Ms. Knight noted that the Board is presently being asked to consider the approval of the CE provider application, not the advertisement or materials, and suggested that staff remind the provider to use professional language going forward.

Motion: Dr. Daniels moved to ratify the continuing education provider applications.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

11. Executive Officer's Report and Updates on:

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

Ms. Walker acknowledged and thanked staff for their hard work during the first quarter of the year and congratulated Dr. Paris and Dr. Adams on their recent reappointments to the Board. She also shared staff's appreciation of the Board members and their guidance to staff.

Ms. Walker stated the Board's former regulatory counsel, Heather Hoganson, had accepted a promotional position at another department and left DCA in March 2023. She introduced the new regulatory counsel, Steven Vong. She also announced that former Enforcement Analyst Christina Bell retired from state service in February 2023 and Special Investigator Yanti Soliman will be retiring at the end of April 2023. She noted that staff is currently working to fill four vacancies, including the Administrative Technician and Assistant Executive Officer positions.

Ms. Walker updated the Board on the implementation of the Connect system and the software release on February 28, 2023, which enhanced the applicant and licensee dashboards and provided the ability to store CE records in the system. She also shared that the Board had been offered the opportunity to upgrade to the latest version of the

vendor's software and will be the first of the four programs in Cohort 1 to move to the new platform.

Ms. Walker also briefed the Board on the status of the 20 pending regulatory proposals, staff's efforts to enhance the licensing and enforcement statistics that are presented during Board and committee meetings, the anticipated reversion of funds from the Board's 2022-23 budget, and the 2022–2026 Strategic Plan objectives.

Dr. Adams thanked staff for making the Board run more efficiently and effectively and for their accomplishments over the past year. Ms. Cruz suggested discussing the strategic plan objectives further with the Government and Public Affairs Committee. Dr. Paris expressed his support for the recent improvements to the Connect system, including electronic record storage and license renewals within 48 hours, and the future development of direct source verification of CE records from providers.

Public Comment: None.

12. Licensing Committee Report

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

Dr. Daniels updated the Board on the February 24, 2023 Licensing Committee meeting and shared that the Committee began its initial discussion of the process for licensure through reciprocity based on comments from the Board's 2022 Sunset Review. She stated staff is working on an environmental scan to compile and analyze the requirements of all 50 states, and the Committee briefly discussed the licensure requirements in Florida and New York and potential updates to the Board's process.

Dr. Daniels also explained the Committee discussed the renewal requirements and fees for inactive licenses, and staff developed a survey to gather feedback from licensees and stakeholders. She noted the Committee discussed the need to develop language to define the use and purpose of an inactive license and the activities that would require an active license with annual CE. Dr. Daniels added that she, Dr. Paris, and Ms. Walker participated in a discussion with educational leaders on April 17, 2023, about the need to establish contemporary curriculum requirements through regulation.

Dr. Daniels introduced the Committee's recommendation to clarify the filing of an address of record and implement the provision within Senate Bill (SB) 1434 (Roth,

Chapter 623, Statutes of 2022) to collect licensee telephone numbers and email addresses for the Board's directory by amending CCR, title 16, section 303.

Dr. Adams asked for additional information regarding the discussion with educational leaders about competency-based education. Dr. Daniels explained that many health care programs are generally moving from traditional hour requirements to competency-based models where students are assessed based on their competency and as they progress through various levels, they are entrusted to perform activities. She stated they also discussed the new CCE guidelines that will be released in fall 2023, and CCE's shift from institutional to programmatic assessment. Dr. Paris agreed and added that competency-based education allows high performers to demonstrate competency and advance early in their educational program while providing additional time to those who need it to develop their competencies. He also noted that competency-based education supports adult learners through flexibility in programs and potentially allows for cost savings.

Motion: Dr. Paris moved to approve the proposed regulatory text for California Code of Regulations, title 16, section 303 in Attachment 2 of Agenda Item 12 in the meeting materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulation for CCR, title 16, section 303 as noticed.

Second: Dr. Adams seconded the motion.

Public Comment: Sergio Azzolino, D.C. shared that the Board discussed the issue of chiropractic educational requirements about 10 years ago with the presidents of the chiropractic colleges, CCE, and other stakeholders, but the Act limited the Board's ability to make contemporary changes to those requirements. Dr. Azzolino encouraged the Board to consider looking at opening the Act to allow chiropractic to become more contemporary with the other health care specialties and educational institutions.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

13. Enforcement Committee Report

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

Dr. Adams updated the Board on the March 2, 2023 Enforcement Committee meeting and stated the Committee discussed proposed changes to the Board's *Disciplinary Guidelines and Model Disciplinary Orders*, the implementation of the Uniform Standards for Substance Abusing Licensees, and CCR, title 16, section 384. He explained the Committee discussed the categorization and recommended penalties for violations of the statutes and regulations within the Board's jurisdiction and the need to recategorize certain violations and list the applicable terms of probation that correspond with the specific violations to provide more clarity to an administrative law judge when drafting proposed decisions.

Dr. Adams stated the Committee continued its policy discussion regarding the development of a regulatory proposal to update the record keeping requirements for chiropractic patient records and address the retention requirements in the event of the death or incapacity of a licensee or upon retirement, closure, or sale of a chiropractic practice. He added that the Committee also continued its policy discussion regarding the activities that can be performed by unlicensed individuals within a chiropractic practice and the regulation of chiropractic assistants in other states.

Dr. Daniels asked for additional background information regarding the proposal for unlicensed individuals within a practice. Dr. Adams explained that the Committee is developing updates to the regulation to ensure the appropriate level of training and supervision for unlicensed staff. Ms. Walker added the Committee is seeking to clarify the role of the supervising doctor and the activities that can be performed by unlicensed individuals while under direct or indirect supervision.

Dr. Paris shared that the record keeping and retention requirements proposal will also provide guidance in the handling of patient records following the closure of a practice. He added that the proposal regarding unlicensed individuals within a practice is also partially based on a recent enforcement case where a patient had visited an office after a licensee's license had been revoked by the Board and found that the former licensee was continuing to work in the capacity of an unlicensed individual and interacting with patients.

Public Comment: Falkyn Luouxmont stated that he tried to comment during the Licensing Committee Report but was having technical difficulties. He stated CPT Code 99213 requires a doctor to execute the order whereas CPT Codes 99211 and 99212 are similar as far as evaluation orders but they can be carried out by staff without the consent of the doctor. He stated the detection of subluxation and finding of no subluxation is a doctor-tiered order that no other medical professional can do and would be CPT Code 99213. He stated the Licensing Committee should introduce this concept or idea to students because it has not been introduced and CCE states that chiropractic care to be delivered must comply with innate intelligence, state statutes, and federal law, but federal law and state statutes do not match. He added that he is excited for the Licensing Committee to discuss his requested rule edit for CCR, title 16, section

331.12.2, subdivision (e) to include partial credit for the skill of detection of subluxation and a possible finding within the data and measurements that no subluxation is present.

Dr. Azzolino encouraged the Board to look at an individual with a revoked license as a separate category because they should not be afforded any of the same privileges as unlicensed individuals and licensees of other health professions. He stated he believes the Board should enact a regulation that prohibits an individual with a revoked license from working in the practice. He also suggested further investigation and discussion regarding the examinations and measurements that can be performed by unlicensed individuals while upholding the licensee's responsibility for the interpretation. He added that the Board explored this issue in the past and the Act does not allow the Board to label anyone as a chiropractic assistant and the Board does not have jurisdiction over anyone in the office besides the licensee; therefore, he thinks the Board's efforts need to be placed on regulating the chiropractor and they should be able to direct their staff accordingly.

14. Government and Public Affairs Committee Report

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

Ms. Cruz updated the Board on the March 13, 2023 Government and Public Affairs Committee meeting and shared that the Committee discussed the Board's administrative activities and a total of 22 legislative bills.

Ms. Cruz introduced AB 883 (Mathis), which would require a DCA board to expedite the initial licensure process for an applicant who is an active-duty military member enrolled in the United States Department of Defense SkillBridge program, and shared the Committee's recommendation for the Board to support the bill. Ms. Walker added that the estimated fiscal impact of \$1,696 in staff time to develop a regulation package to implement the bill is absorbable within the Board's existing resources.

Motion: Dr. Adams moved to support AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.

Second: Mr. Sweet seconded the motion.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

Ms. Cruz presented AB 996 (Low), which would require any DCA board that is responsible for approving CE providers or courses to develop and maintain a conflict-of-interest policy, and shared the Committee's recommendation to support the bill. Dr. Daniels commented that AB 996 supports the Board's efforts to prevent self-promotion during CE courses.

Motion: Dr. Daniels moved to support AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.

Second: Dr. Paris seconded the motion.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

Ms. Cruz introduced AB 1751 (Gipson), which would require prescribers to make patients aware of the risks and dangers of opioids and the availability of nonpharmacological treatments for pain before dispensing or issuing a prescription for opioid medication. Ms. Walker added that the bill was amended on April 13, 2023, and the previous requirement for the prescriber to offer a referral for nonpharmacological treatments for pain had been removed. Dr. Paris shared that the bill's sponsor, CalChiro, was supportive of accepting the amendment.

Public Comment: Dawn Benton, Executive Vice President and CEO of CalChiro, stated that AB 1751 will not be moving forward in 2023 because they did not have enough support to move the bill through the Assembly Health Committee. She stated CalChiro appreciates the Board's support of the bill.

Motion: Dr. Adams moved to support AB 1751 (Gipson) Opioid prescriptions: information: nonpharmacological treatments for pain.

Second: Dr. Daniels seconded the motion.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

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

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

Ms. Walker indicated AB 477 (Waldron) is a spot bill that staff is monitoring and does not require any discussion by the Board. She explained AB 765 (Wood), known as the California Patient Protection, Safety, Disclosure, and Transparency Act, would make various legislative findings and declarations and prohibit the use of medical specialty titles by any person who is not licensed as a physician and surgeon. She noted the bill was recently amended to: 1) allow the holder of a license under another healing arts chapter to use any term identified on their license, certificate, or registration and not prohibit them from making any truthful statement that they specialize in a service or field that is within their licensed scope of practice and does not contain any of the specified

medical specialty titles; and 2) provide an exemption for the use of dental specialty titles. She stated that staff has significant concerns with the bill, particularly the projected increase in referrals of complaints regarding licensees' advertising of chiropractic specialties that would conflict with the provisions of this bill, and shared staff's recommendation to offer an amendment to the author that would provide an exemption for chiropractic specialty titles.

Dr. Paris asked if the Board would need to develop regulations that clearly define the ability for licensees to use specialty language if AB 765 were to pass, or if the bill would prevent the Board from even being able to do so. Ms. Walker replied that the Board would likely be unable to resolve the issue through regulation because the bill would explicitly and broadly prohibit the use of "any titles, terms, letters, words, abbreviations, description of services, designations, or insignia, alone and in combination with any other title" so any proposed regulations would conflict with the law.

Dr. Paris shared that he has major concerns with the restrictions the bill would place on all other health professions and suggested the Board consider a position of oppose unless amended. Dr. Daniels referenced the bill's legislative findings and declarations that "consumers can be confused and misled about the differences between the qualifications and education of various types of health care providers" and explained that the bill itself would cause confusion for the public because doctors of chiropractic have already established postdoctoral, accredited educational programs in neurology, radiology, and orthopedics. She stated that the term "physician" has a broader background beyond medicine and noted the national practice analysis defines a doctor of chiropractic as a first contact portal of entry provider or a primary care physician. She added the etymology of the word "neurologist" means to study the brain, nervous system, and musculoskeletal system and that is in the definition of chiropractic.

Dr. Daniels also stated there is a declining number of general neurologists to care for the public and there are many patients with concussions and other neurological disorders seeking treatment from doctors of chiropractic. She stated the bill would prevent those patients from being able to appropriately identify a doctor of chiropractic who could help them with their condition and it causes concerns of patient welfare and safety. Dr. Adams concurred with Dr. Daniels and suggested proposing an amendment to exempt accredited chiropractic specialties such as neurology, radiology, orthopedics, and pediatrics.

Dr. Paris explained that broad umbrella of health care is made up of specialties and each condition falls under a title such as rheumatological, orthopedic, or neurologic, and those specialties may define the patient population. He stated the problem is that individual titles are used throughout health care and the bill potentially has a chilling effect that could limit the scope of other providers because they can no longer seek specialization in commonly accepted fields of health care. He noted specialization in health care is in the best interest of the patient and inherent to public protection.

Motion: Dr. Paris moved to direct staff to develop language for proposed amendments to AB 765 (Wood) Physicians and surgeons: medical specialty titles that reflects the Board's discussion.

Second: Dr. Daniels seconded the motion.

Public Comment: Falkyn Luouxmont stated other professions are shortcutting chiropractic and physical therapists provide mobilizations and manipulate the body to provide similar results for their patients. He insisted that AB 765 (Wood) be monitored because other health professions do not go through the rigor of chiropractic education and the public be confused and not understand the significant difference in how physical therapists mobilize and manipulate their patients compared to doctors of chiropractic.

Dawn Benton shared that CalChiro is strongly opposed to AB 765 (Wood) and has communicated that position to the author's office.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

Ms. Walker presented the following bills:

- AB 795 (Flora) would increase the exclusion for cash sales of \$100 to \$200 from the misdemeanor crime of selling equipment, supplies, or services to any person with knowledge that the equipment, supplies, or services will be used in the performance of a service or contract in violation of the licensing requirements of the Business and Professions Code. In addition, the bill would increase the fine for this crime from not less than \$1,000 to not less than \$2,000.
- AB 796 (Weber) would enact the Athletic Training Practice Act and establish an Athletic Trainer Licensing Committee within the Board of Occupational Therapy to exercise licensing, regulatory, and disciplinary functions for athletic trainers who practice under the supervision of a physician and surgeon.

Dr. Paris asked why the Athletic Trainer Licensing Committee would be placed within the Board of Occupational Therapy. Ms. Walker replied that issue was pointed out in the bill analysis and it may be more appropriate to place that committee under the Medical Board of California, as their licensees would be supervising the athletic trainers.

Ms. Walker continued presenting the following bills:

- AB 814 (Lowenthal) would authorize a licensed physical therapist to be registered with the Veterinary Medical Board as an authorized animal physical

therapist to provide animal physical rehabilitation if specified requirements are met.

- AB 1028 (McKinnor) 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 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 advocacy services before the end of the patient visit.

Dr. Daniels shared that some providers may have concerns regarding the requirement to provide counseling or support and a warm handoff, particularly because the language in the bill is vague. Ms. Walker indicated if the bill passes, the Board can develop some resources to help guide licensees in those circumstances. Ms. Cruz suggested reaching out to other agencies for opportunities and resources that are available to assist licensees.

Dr. Paris noted domestic violence tends to be one of the most dangerous situations that law enforcement agencies encounter and the mandatory reporting acts as a protection mechanism for all parties involved, including the provider.

Ms. Walker continued presenting the following bills:

- AB 1055 (Bains) would establish the Allied Behavioral Health Board within DCA for the regulation of alcohol drug counselors.
- AB 1707 (Pacheco) would prohibit a DCA healing arts board from denying an application for licensure or suspending, revoking, or otherwise imposing discipline upon a licensee on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that 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.
- SB 259 (Seyarto) would require a state agency to post on its website any report that the agency submits to a committee of the Legislature.
- SB 279 (Niello) would require a state agency to provide a minimum 21-day public comment period for purposes of determining whether a regulation would meet the definition of a "major regulation."
- SB 372 (Menjivar) would require a DCA board to update a licensee or registrant's records, including records contained within an online license verification system, to include the licensee or registrant's updated legal name or gender upon receipt of government-issued documentation demonstrating the name or gender change

and prohibit the 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 for any other changes. The bill would also require the board to remove any prior name or gender information from the online license verification system, treat the information as confidential, and establish a process for providing that information upon receipt of a request.

Ms. Knight shared that some DCA boards have opposed SB 372 (Menjivar) based on concerns regarding the reporting of disciplinary actions and how the public can locate information regarding a past provider if they have changed their name. Ms. Walker suggested bringing those concerns back to the Board for a future discussion.

Ms. Walker continued with the following bill:

- SB 544 (Laird) would remove the requirement to list each teleconference location on the meeting agenda, and instead, require at least one physical meeting location with either a member of the state body or staff present where the public can go to observe and attend the meeting. Staff estimates the bill could potentially save the Board up to \$10,000 annually on travel and meeting expenses.

Motion: Dr. Adams moved to support SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.

Second: Mr. Sweet seconded the motion.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

Ms. Walker summarized the final bill:

- SB 802 (Roth) 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. Existing law does not specify a timeframe during which this written notification must be transmitted.

Public Comment: None.

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

Ms. Walker informed the Board that this regulatory proposal originated as part of the Consumer Protection Enforcement Initiative (CPEI) and would require any decision that contains a finding of fact that a licensee engaged in any act of sexual contact with a patient or is subject to registration as a sex offender to contain an order of revocation and prohibit an administrative law judge from including a stay of that revocation in a proposed decision. She noted the Board would retain its discretion to issue a decision with an order of stayed revocation except for cases involving a tier-two or tier-three sex offender.

Dr. Daniels referenced the written public comment submitted by Roger Calton regarding this agenda item and asked for additional background information on the proposal. Ms. Walker explained that the proposed text is modeled after similar regulations that have been adopted by most of the other DCA healing arts boards where a finding of fact that a licensee engaged in sexual contact with a patient requires an order of revocation and only the Board would have the authority to stay that revocation and place the licensee on probation. She emphasized that the Board would need to prove sexual intent for this provision to apply.

Dr. Adams asked how the Board exercises its discretion under the proposed regulations. Ms. Walker explained the Board could issue a decision with stayed revocation by negotiating a stipulated settlement with the respondent or reducing a proposed decision by an administrative law judge based on the extenuating circumstances outlined in the decision. She reiterated that the regulations would set a minimum penalty of stayed revocation and probation for any licensee who has committed any act of sexual contact with a patient or is subject to registration as a tier-one sex offender and a mandatory penalty of revocation for any licensee who is subject to registration as a tier-two or tier-three sex offender. Dr. Adams emphasized that the proposed regulations require a finding of sufficient evidence that the conduct occurred before the penalty is imposed.

Motion: Dr. Adams moved to approve the proposed regulatory text for California Code of Regulations, title 16, sections 384.1 and 384.2 in the Attachment to Agenda Item 16 in the meeting materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the

rulemaking and adopt the proposed regulations for CCR, title 16, sections 384.1 and 384.2 as noticed.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

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

Ms. Walker informed the Board that since the January 20, 2023 meeting, staff worked with regulatory counsel to finalize proposed regulatory text for the Board's consideration. She highlighted the substantive changes that were made since the Board's last review, including the addition of CCR, title 16, section 360.1 which defines the methods for submission of applications, forms, and payments and outlines the conditions for electronic submission of those applications.

Dr. Paris asked if all of the applications and forms are anticipated to be available electronically. Ms. Walker responded affirmatively and explained that staff is working on the development of CE functionality in the Connect system and plans to have each of the processes that are being established through regulation available through that platform. Dr. Paris acknowledged the hard work of Board members and staff to develop the regulations.

Dr. Adams asked about the implementation date of January 1, 2025, within the proposed text. Ms. Walker explained that the date was chosen to ensure that CE providers have adequate time to develop courses in the new competency areas and licensees will have time to complete the new courses prior to their 2025 renewal dates.

Motion: Dr. Adams moved to approve the proposed regulatory text for California Code of Regulations, title 16, sections 360–364 in the Attachment to Agenda Item 17 in the meeting materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive or technical changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive

Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations for CCR, title 16, sections 360–364 as noticed.

Second: Dr. Daniels seconded the motion.

Public Comment: None.

Vote: 5-0 (Dr. Paris-AYE, Dr. Adams-AYE, Mr. Sweet-AYE, Ms. Cruz-AYE, and Dr. Daniels-AYE).

Motion: Carried.

18. Future Agenda Items

Dr. Daniels requested a discussion of proposed amendments to AB 765 (Wood) and SB 372 (Menjivar).

Ms. Cruz requested a discussion of the reporting of updates and impacts to the 2022–2026 Strategic Plan objectives at the Government and Public Affairs Committee meeting.

Dr. Paris added that the Continuing Education Committee, or the Board, should discuss acceptable language for CE course content, outlines, and materials and the potential need to develop regulatory language. He also suggested inviting representatives from CCE and the chiropractic colleges to provide an overview of the process for educational assessment of competencies and the transition to competency-based education.

Public Comment: None.

19. Adjournment

Dr. Paris adjourned the meeting at 3:48 p.m.

Attachment A

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

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

First Name	Middle Name	Last Name	Date Issued	License No.*
Dorsha		Nichols	01/19/2023	DC 36538
M	Ryan	Saldivar	01/19/2023	DC 36539
Elbert		Chao	01/19/2023	DC 36540
Mathew		Finley	01/19/2023	DC 36541
Rebekah		Boron-Trotter	01/19/2023	DC 36542
Isaiah		Guebara	01/19/2023	DC 36543
Chi Sun		Choi	01/19/2023	DC 36544
Brandon		Nissen	01/19/2023	DC 36545
Zackary	Cusati	Fulks	01/20/2023	DC 36546
Nadiem		Fahel	01/20/2023	DC 36547
Arna		Kilicarslan	01/20/2023	DC 36548
Zakariya		Champa	01/20/2023	DC 36549
Kevork		Merdkhanian	01/20/2023	DC 36550
Michelle	Nicole	Snider	01/20/2023	DC 36551
Sydney		Kaye	01/30/2023	DC 36552
Samantha		Pena	01/30/2023	DC 36553
Gholamreza		Shahhosseini	01/30/2023	DC 36554
Jiwon	Jason	Hong	01/30/2023	DC 36555
Joshua	Alan	Wood	01/30/2023	DC 36556
Christine	Doyle	Glidden	01/30/2023	DC 36557
Benafsha		Sahibzadah	01/30/2023	DC 36558
Jason		Ngan	01/30/2023	DC 36559
Matthew		Glynn	01/30/2023	DC 36560
John	T	Cybulski	01/30/2023	DC 36561
Everardo		Camacho	01/30/2023	DC 36562
Nguyen		Nguyen	01/30/2023	DC 36563
Andy		Lu	02/01/2023	DC 36564
Thomas	Edward	Danisiewicz	02/13/2023	DC 36565

First Name	Middle Name	Last Name	Date Issued	License No.*
Christina		Mishreki	02/13/2023	DC 36566
Corey	Sammy	Croft	02/13/2023	DC 36567
Nathan		Amezcuca	02/13/2023	DC 36568
Kendall	Lane	Schluchter	02/13/2023	DC 36569
Manuel		Rivas	02/13/2023	DC 36570
Megan		Ng	02/13/2023	DC 36571
Kelsey		Martin	02/13/2023	DC 36572
Katelyn	Michelle	Sakamoto	02/13/2023	DC 36573
Brandon		Fein	02/13/2023	DC 36574
Zachary		Acencio	02/13/2023	DC 36575
David	Justine Bern	Dionson	02/14/2023	DC 36576
Andrew		Verdaguer	02/14/2023	DC 36577
Mabel		De La Luz	02/14/2023	DC 36578
Oluwatomsin	Philip	Osinfolarin	02/14/2023	DC 36579
Melinda		Pham	02/14/2023	DC 36580
Hailey	Paige	Danko	02/14/2023	DC 36581
Mary		Azoian	02/14/2023	DC 36582
Curtis		Ouyang	02/14/2023	DC 36583
Kristina		Tauran	02/14/2023	DC 36584
Megan	Riley	Jones	02/14/2023	DC 36585
Andre	Mark	Cayabyab	02/14/2023	DC 36586
Alyssa		Price	02/14/2023	DC 36587
Teena	Kathleen	Woeber	02/23/2023	DC 36588
Jessica	Leigh	Tolentino	02/23/2023	DC 36589
Christopher	Michael	Manning	02/23/2023	DC 36590
Corbin		Jackson	02/23/2023	DC 36591
Cecilia	Sze Heng	Yu	02/23/2023	DC 36592
Rushdi		Helo	02/23/2023	DC 36593

First Name	Middle Name	Last Name	Date Issued	License No.*
Christopher	Richard	Young	02/23/2023	DC 36594
Shannon		Hatfield	02/23/2023	DC 36595
Eleeza		Owens	02/23/2023	DC 36596
Gideon		Tseng	02/23/2023	DC 36597
Abby	Pauline	Endres	02/23/2023	DC 36598
James		Stang	02/23/2023	DC 36599
Eric		Pitpitan	02/23/2023	DC 36600
Andrew	Daniel	Oh	02/23/2023	DC 36601
Louis		Thibault	02/23/2023	DC 36602
Dalton	Jacob	Williams	02/23/2023	DC 36603
Madison		Marquez	02/23/2023	DC 36604
Samantha	Briana	Adams	02/23/2023	DC 36605
Angelo		Gassoumis	02/23/2023	DC 36606
Thimmy	Kjell Tobias	Garbenius	02/23/2023	DC 36607
Edmond	Ngee Jun	Lim	02/23/2023	DC 36608
Sang	Won	Rhee	02/23/2023	DC 36609
Xavier	Quinntin	Crawford	02/23/2023	DC 36610
Jessica	Ruth	Amador-Castellanos	03/02/2023	DC 36611
Young	Mi	Le	03/02/2023	DC 36612
Kaitlyn	Emily	Lester	03/02/2023	DC 36613
Sue		Bedi	03/06/2023	DC 36614
Taylor	Ann	Langdon	03/06/2023	DC 36615
Kevin	Thanh	Do	03/06/2023	DC 36616
Alvin	Nector	Alvarez	03/06/2023	DC 36617
Tracy	Megumi	Wheelwright	03/06/2023	DC 36618
Joann		Figueroa	03/06/2023	DC 36619
Anthony		Moursalian	03/06/2023	DC 36620
Vance		Dokes	03/06/2023	DC 36621

First Name	Middle Name	Last Name	Date Issued	License No.*
Justin		Mcdaniel	03/06/2023	DC 36622
Gevork		Orudzhyan	03/16/2023	DC 36623
Ryan	Cole	Raymond	03/16/2023	DC 36624
Angela		Stephens	03/16/2023	DC 36625
Angela		Baldrige	03/16/2023	DC 36625
Frederick		Choi	03/16/2023	DC 36626
Claudia		Rodriguez Artud	03/16/2023	DC 36627
Christian	Velasco	Caragao	03/16/2023	DC 36628
Daniella	Theodora	Vivanco	03/16/2023	DC 36629
Mckenzie		Cervini	03/16/2023	DC 36630
Barry		Smith	03/21/2023	DC 36631
Julianna	Marie	Oates	03/21/2023	DC 36632
Ciara		Maldonado	03/21/2023	DC 36633
Alireza		Chizari	03/21/2023	DC 36634
Kaylan	Sasha	Lane	03/21/2023	DC 36635
Tim		Stanfill	03/21/2023	DC 36636
Antonio		Figuroa Jr	03/21/2023	DC 36637

Attachment B

List of Approved New Continuing Education Providers

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