



**BOARD OF CHIROPRACTIC EXAMINERS  
GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE  
MEETING MINUTES  
September 18, 2023**

The Government and Public Affairs Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events from the following meeting locations on September 18, 2023:

Department of Consumer Affairs  
San Francisco Room  
1625 N. Market Blvd., Suite N-318  
Sacramento, CA 95834

4100 W. Alameda Avenue  
Third Floor  
Burbank, CA 91505

**Committee Members Present**

Janette N.V. Cruz, Chair  
Rafael Sweet

**Staff Present**

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

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

Ms. Cruz called the meeting to order at 11:03 a.m. Mr. Sweet called the roll. Ms. Cruz was present at the meeting location in Sacramento, and Mr. Sweet was present at the meeting location in Burbank. A quorum was established.

**2. Review and Possible Approval of June 16, 2023 Committee Meeting Minutes**

This item was tabled to the December 4, 2023 meeting.

**3. Update on Board's Administration Program, Including Budget and Fund Condition, Business Modernization and Implementation of Connect System, and Status of Board's Pending Rulemaking Packages and 2022–2026 Strategic Plan Objectives**

Ms. Walker announced that the October 19–20, 2023 Board meeting is being held as a traditional in-person meeting at Southern California University of Health Sciences in Whittier. She noted staff explored the possibility of holding the meeting in a hybrid

format, but ultimately determined that the strategy was not feasible due to the need to adjourn the meeting if the remote connection is lost due to technical difficulties. She also stated the Board would schedule the 2024 meeting dates during the October meeting. Ms. Cruz asked if the October meeting would include an update on the new issues from the Board's last sunset review. Ms. Walker responded affirmatively.

Ms. Walker shared that staff is currently developing workload and revenue projections for the Board's fiscal year 2024–25 budget. She explained that although the Board's revenue has increased under the new fee structure, current estimates still show the Board's fund balance slowly decreasing over time due to increases in the rate charged for legal services from the Attorney General's office and projected increases in employee compensation. She noted that staff will continue to closely monitor the Board's budget and fund condition, but the Committee may need to begin discussing the potential need for minor adjustments to the Board's fee amounts in spring 2024.

Ms. Cruz asked when the full revenue from the new fee increase would be realized. Ms. Walker explained the new fees became effective January 1, 2023, so the current fiscal year 2023–24 is the first budget year with the full impact of the new fee amounts. She also noted the Board deferred filling some positions and purchasing new equipment for temporary budget relief over the past few years, but now must begin filling its positions and replacing its aging computers so staff can be more effective. She shared that staff worked with the DCA Budget Office to establish an ongoing budget for replacing its equipment per the recommended three-year cycle, and highlighted the Board's major expenditures by category, including personnel, legal services from the Attorney General's office, and DCA and state pro rata.

Mr. Sweet asked if the percentages of the Board's expenditures by category were consistent with other DCA healing arts programs. Ms. Walker replied that the Board typically spends a higher percentage of its budget on legal services from the Attorney General's office compared to other DCA programs due to the Board's high caseload, but the Board's other expenditures are in line with similar programs. Mr. Sweet asked why the Board's disciplinary caseload was proportionally higher than other programs. Ms. Walker explained that it is primarily due to the significant number of disciplinary cases resulting from convictions for insurance fraud and findings of gross negligence and sexual misconduct. She noted more outreach to licensees on preventing and avoiding violations could result in long-term cost savings for the Board.

Ms. Walker provided an update on the implementation of the Connect system and shared that the current project manager is leaving DCA on October 1, 2023, so staff expects a few minor disruptions in the project until the new project manager is identified by the Office of Information Services (OIS) and takes over the project. She explained the vendor is still working to transition the Board to the updated version of their software, but staff does not expect that work to be complete until late 2023.

Ms. Cruz asked if OIS and Board staff were still retaining the internal knowledge and business needs on the Connect project with the project manager's departure.

Ms. Walker responded affirmatively and confirmed that OIS advocates for the Board's business needs and functional requirements when interacting with the developers.

Ms. Walker added that system stabilization remains a primary area of focus for Board staff as they work with OIS and the vendor to eliminate system bugs in the communications between the Connect system and the Board's centralized database, CAS, that affect the doctor of chiropractic renewal transaction and to integrate a workaround in the system so licensees can still proceed with the renewal process when issues arise. She also shared that the vendor will begin working on the continuing education (CE) module soon, beginning with the back office functionality and workflow for staff to be able to electronically process CE course applications in the system. She explained the second phase would expand that functionality so CE providers can electronically submit their applications through the system and upload course completion records directly to the Board. She stated the goal is to increase the system utilization rate to 80 percent upon completion of these system enhancements.

Ms. Cruz asked how the Board's utilization rate compared to other DCA programs using the Connect system. Ms. Walker acknowledged that other programs have higher utilization rates by their licensees and stated the Board will increase its outreach efforts about the new system after the stabilization issues have been resolved.

Ms. Walker highlighted staff's implementation plans for the following legislation:

- Assembly Bill (AB) 883 (Mathis) [Business licenses: United States Department of Defense SkillBridge program] would require a DCA board, on or after July 1, 2024, to expedite the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are an active-duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program. Staff will update the initial application for a doctor of chiropractic license to inquire if the applicant is part of that program and process the application accordingly.
- AB 1707 (Pacheco) [Health professionals and facilities: adverse actions based on another state's law] would prohibit a DCA healing arts board from denying an application for licensure or disciplining 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 in this state. Staff will ensure that the Board's updated *Disciplinary Guidelines* reference this law.
- Senate Bill (SB) 143 (Committee on Budget and Fiscal Review) [State government] is a budget trailer bill that includes provisions for remote public meetings without noticed physical locations until December 31, 2023, and

language to implement the Federal License Portability Law for Servicemembers. Staff is awaiting guidance from DCA on the implementation of the registration provisions for service members and their spouses.

- SB 372 (Menjivar) [Department of Consumer Affairs: licensee and registrant records: name and gender changes] requires a DCA board to replace references to a licensee's former name or gender and remove references to their former name or gender from the board's online license verification system upon receipt of documentation more specifically described in the bill. Staff expects to receive guidance from OIS and the DCA Office of Legal Affairs on the implementation of the bill.
- SB 447 (Atkins) [GO-Biz] repealed the ban on state-funded or state-sponsored travel to states with discriminatory laws. As a result, staff will submit an out-of-state travel request to send Board representatives to the annual meeting of the Federation of Chiropractic Licensing Boards (FCLB) in Phoenix, Arizona, in May 2024.
- SB 544 (Laird) [Bagley-Keene Open Meeting Act: teleconferencing] was amended multiple times and enacts an additional, alternative set of provisions under which a state body may hold a meeting by teleconference.

Ms. Walker also summarized the status of the Board's 19 pending regulatory proposals and 2022–2026 Strategic Plan objectives. She acknowledged ongoing efforts by the management team to focus heavily on staff training and development, and shared that staff participated in an employee engagement survey and the Board is conducting a stakeholder survey in response to the Governor's Executive Order N-16-22.

Ms. Cruz asked when the Board would be discussing changes to the existing strategic plan in response to the stakeholder survey. Ms. Walker indicated the discussion is planned for the January 2024 Board meeting. Ms. Cruz suggested encouraging Board members to complete the diversity, equity, and inclusion (DEI) training offered by DCA prior to the discussion. Ms. Walker concurred and stated that DCA's SOLID Planning Solutions will likely incorporate some training into the discussion as well.

Ms. Cruz inquired about the timeline for developing the updated chiropractic college curriculum regulations. Ms. Walker explained that the development of those regulations will follow the release of the Council on Chiropractic Education's (CCE) updated accreditation standards and the Board's 2024 Occupational Analysis of the Chiropractic Profession.

**Public Comment:** None.

**4. Review, Discussion, and Possible Recommendation Regarding Pending Regulatory Proposal to Delegate Certain Functions to the Executive Officer and Make Conforming Changes to the Processes for Appealing Citations and Collecting Assessed Fines from Licensees (amend California Code of Regulations, Title 16, sections 306, 390.4, and 390.5)**

Ms. Walker explained that the Board had previously approved regulatory language to amend California Code of Regulations (CCR), title 16, sections 306, 390.4, and 390.5 at the December 11, 2020 Board meeting with the purpose of: 1) expediting the disciplinary process by delegating additional authority to the Board's Executive Officer to approve settlement agreements for the revocation, surrender, or interim suspension of a license; 2) extending that authority to the Board's Assistant Executive Officer as the Executive Officer's "designee" in their absence or by assignment; and 3) making conforming changes to the Board's citation program regulations to ensure the Board's system for issuing citations contains each of the required provisions within Business and Professions Code (BPC) section 125.9, subdivision (b).

Ms. Walker shared staff's recommendations that the Committee, and ultimately the Board, consider making the following changes to the text before proceeding with the regulatory process:

- Delegate authority to the Executive Officer to order licensee examinations pursuant to BPC section 820 and issue default decisions to the text for CCR, title 16, section 306.
- Remove the language for further delegation to the Assistant Executive Officer from CCR, title 16, section 306 because it is no longer necessary now that the Executive Officer signs all accusations and other disciplinary documents electronically and can access them remotely from any location with internet access.
- Delete the previously proposed subdivision (b) from CCR, title 16, section 306 because those duties are already contained in the Executive Officer's and Assistant Executive Officer's duty statements and are not needed in the regulation.
- Remove the proposed language within CCR, title 16, sections 389 through 390.5 to replace with Executive Officer's "designee" with the Assistant Executive Officer because this change would increase the Board's case aging and existing workload by prohibiting the Enforcement Manager from acting as the Executive Officer's "designee." Also remove CCR, title 16, sections 389, 390, and 390.3 from this proposal as no changes are needed to these sections.
- Separate the existing proposal into two proposals as follows: 1) amend CCR, title 16, section 306 (Delegation of Certain Functions to the Executive Officer);

and 2) amend CCR, title 16, sections 390.4 (Contested Citations) and 390.5 (Compliance with Citation/Order of Abatement).

Ms. Walker directed the Committee to the proposed regulatory text within Attachments 2 and 3 of the meeting materials and requested that the Committee consider making a recommendation to the full Board to withdraw the regulatory text that was previously approved on December 11, 2020, and instead, proceed with the separate proposals.

Mr. Sweet asked if there is a formal process for the Executive Officer to designate subordinate staff to serve as a designee for the enforcement functions outlined in the regulations. Ms. Walker explained there are internal processes and expectations for the Assistant Executive Officer and Enforcement Manager when acting as the Executive Officer's designee for citations and letters of admonishment, and those expectations are also outlined in the duty statements for those two positions. She added that the Enforcement Manager typically signs citations and letters of admonishment and the Executive Officer conducts the informal conferences with licensees.

Ms. Cruz asked for additional information regarding ordering examinations of licensees under BPC section 820. Ms. Walker explained the statute provides the Board with authority to compel an examination of a licensee by a physician or psychologist whenever it appears the person may be unable to practice safely due to a mental or physical illness affecting their competency. She also noted the Licensing Committee is considering a similar regulatory proposal for applicants.

Ms. Cruz inquired about the potential process for notifying Board members of default decisions to maintain visibility. Ms. Walker replied that currently the Board chair must sign all default decisions, and instead, the regulatory text would expedite the process by allowing the Executive Officer to sign those decisions. She confirmed staff would still continue to inform the Board members of the default decisions and share the disciplinary documents. Ms. Cruz asked about the proposed changes to the timeframes for appealing a citation. Ms. Walker explained the purpose of the proposal is to align the deadlines for requesting an informal conference with the Executive Officer and a formal administrative hearing with the Office of Administrative Hearings.

Ms. Cruz asked how often position duty statements are reviewed. Ms. Walker explained that the duty statements are reviewed and updated every time the Board refills a position, and she is also establishing a new practice of reviewing staff's duty statements annually to ensure they reflect the current assignments and expectations for their positions.

**Motion: Ms. Cruz moved to recommend that the Board withdraw the regulatory text that was previously approved on December 11, 2020, and proceed with the updated regulatory text to amend California Code of Regulations, title 16, sections 306, 390.4, and 390.5 found within Attachments 2 and 3 of the meeting materials.**

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

**Public Comment:** None.

**Vote: 2-0 (Ms. Cruz-AYE and Mr. Sweet-AYE).**

**Motion: Carried.**

**5. Review, Discussion, and Possible Recommendation Regarding 2022–2026 Strategic Plan Objective 3.5 to Improve the Board’s Website by Providing Informative Content for Applicants, Licensees, the Public, and Other Stakeholders and Enhancing the Functionality and User Experience**

Ms. Walker recalled that the Committee discussed staff’s proposed outreach plan to stakeholders at the June 16, 2023 meeting, and she provided an update to the Committee on staff’s efforts to update the content and format of the Board’s website. She stated staff intends to focus on releasing updated content for consumers, applicants, and licensees. She also informed the Committee that staff recently met with OIS to discuss the three major project phases: 1) reviewing and assessing the 65 web pages associated with the Board’s website and identifying the content that should be updated or archived; 2) developing the new content that can be posted on the website with the appropriate web pages; and 3) upgrading to the latest version of the state website template and determining the layout and format of each web page.

Ms. Walker shared that of the Board’s 84,000 website visits over the last year, the majority of users were navigating to the online renewal, continuing education, licensing, and enforcement actions sections of the website. She noted the consumers section had a low number of visits so addressing that section is staff’s highest priority. She also estimated a project completion date of mid-2024.

Ms. Cruz suggested leveraging some of the concepts and ideas from other DCA programs to ensure the Board’s current staffing level can support the project. Ms. Walker concurred and shared that she expects the updated website will be an exciting project for staff to participate in.

**Public Comment:** None.

**6. Review, Discussion, and Possible Recommendation Regarding 2022–2026 Strategic Plan Objective 5.4 to Re-Design the Board Member Onboarding Procedures and Orientation Process**

Ms. Walker provided an overview of the Committee’s work to redesign the new Board member onboarding procedures and orientation process over the past year. She shared that staff is continuing to develop updated materials for the new Board member resource binder and electronic Board Member Resource Center so both resources can be distributed to the Board members by the end of 2023. She added that staff also

plans to include meeting materials, budget reports, the strategic plan tracking tool, and enforcement cases in the electronic shared folder so Board members can access them in a central location.

Ms. Cruz asked about the onboarding process for the newest Board member, Dr. Sandino. Ms. Walker explained that Dr. Sandino received a basic onboarding in summer 2023, and staff plans to coordinate a formal, in-person orientation session with her prior to the October 19–20, 2023 Board meeting. Ms. Cruz inquired about efforts to fill the Board’s remaining vacant board member position. Ms. Walker replied that DCA is aware of the vacancy but must focus on the boards that are facing potential quorum issues.

Ms. Cruz asked if the delayed timeline for this strategic plan objective impacts any of the Board’s other objectives. Ms. Walker replied that it has no impact on the rest of the Board’s strategic plan.

**Public Comment:** None.

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

**Public Comment:** A call-in user requested that the Board consider looking into creating regulations for certified animal chiropractors so that the Board is the entity supervising those practitioners.

## **8. Future Agenda Items**

Ms. Cruz requested a comparison of the Board’s actual expenditures by category over the past five years to assist the Committee in assessing the Board’s fund.

**Public Comment:** None.

## **9. Adjournment**

Ms. Cruz adjourned the meeting at 12:43 p.m.