



**BOARD OF CHIROPRACTIC EXAMINERS
GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE
MEETING MINUTES
December 4, 2023**

In accordance with the statutory provisions of Government Code section 11133, the Government and Public Affairs Committee (Committee) of the Board of Chiropractic Examiners (Board) met via teleconference/Webex Events with no physical public locations on December 4, 2023.

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
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 11:00 a.m. Mr. Sweet called the roll. All members were present, and a quorum was established.

**2. Review and Possible Approval of June 16, 2023 and September 18, 2023
Committee Meeting Minutes**

Motion: Mr. Sweet moved to approve the minutes of the June 16, 2023 and September 18, 2023 Government and Public Affairs Committee meetings.

Second: Ms. Cruz seconded the motion.

Public Comment: None.

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

Motion: Carried.

**3. Update on Board's Administration Program, Including Budget and Fund
Condition, Business Modernization, Implementation of Connect System and**

2023 Legislation, and Status of Board's Pending Rulemaking Packages and 2022–2026 Strategic Plan Objectives

Ms. Walker shared that the agenda for the next Board meeting on January 12, 2024, will include elections of Board officer positions for 2024 and guest speakers from the California chiropractic colleges and the Council on Chiropractic Education (CCE). She highlighted the Board's recent outreach efforts with the profession including continuing education (CE) lectures on ethics and law and participation in roundtable discussions with leaders from the California Chiropractic Association (CalChiro) and the California chiropractic colleges.

She added staff has been meeting with DCA's Office of Information Services (OIS) to set priorities for the maintenance and operations of the Connect system. She noted the vendor is working on upgrading the Board to a new version of the system, and staff is finalizing the business requirements for new CE functionality in the system. She explained staff is focusing on the development of the CE course application workflow due to the high volume of applications received. She added staff is also seeking functionality to be able to retroactively apply CE credits to prior renewal cycles to enhance the audit process and enable the Board to grant hardship extensions to the annual CE requirements.

Ms. Cruz asked about the priority level for the expansion of cashiering functionality in the Connect system. Ms. Walker replied that new CE functionality is the highest priority followed by the expansion of cashiering in the system. She explained the Board currently has a manual cashiering process for checks and money orders and is trying to reduce the number of paper applications and checks received by encouraging applicants and licensees to submit their applications through the Connect system. Mr. Sweet commented that the new CE functionality will be very helpful for the Board and stakeholders.

Ms. Walker briefed the Committee on the implementation of 2023 legislation. She explained DCA developed a platform to implement Senate Bill (SB) 143 (Committee on Budget and Fiscal Review, Chapter 196, Statutes of 2023) and the Federal License Portability Law for Servicemembers. She added DCA also created a workflow for the implementation of SB 372 (Menjivar, Chapter 225, Statutes of 2023), which requires programs to confidentially handle certain name or gender changes. She stated Assembly Bill 883 (Mathis, Chapter 348, Statutes of 2023) has a delayed implementation date of July 1, 2024, and requires the Board to update the initial doctor of chiropractic license application to inquire if an applicant is enrolled in the U.S. Department of Defense SkillBridge program and update the Board's regulations to reflect that change. She stated staff is developing a regulatory package to implement AB 883 along with AB 107 (Salas, Chapter 693, Statutes of 2021), which requires programs to issue temporary licenses to military spouses and domestic partners.

She highlighted the Board's significant regulatory workload and indicated the Board has eight regulatory packages in the production phase and 12 concept proposals under development. She noted the Board initially had a high volume of backlog at the concept level, but as the Board's committees reviewed the issues and made recommendations, that workload has shifted to preparing the production documents for the formal rulemaking process.

Ms. Cruz asked about any potential challenges in implementing the requirements of AB 107 and AB 883. Ms. Walker explained the bill requirements are simple to incorporate into the application workflows; however, the regulations are more complex because the Board's existing regulations on the initial licensure process are unclear and must be amended along with the addition of the new requirements.

Ms. Cruz inquired about potential staff workload capacity issues in addressing the regulations and other strategic plan objectives. Ms. Walker indicated regulations are the primary challenge due to the specific skillset needed to research and gather the background information and reports and draft the rulemaking file to meet the standards of the Office of Administrative Law (OAL). She noted the Board has struggled to recruit new staff with the interest and skills to perform that work during the recruitment process.

Public Comment: None.

4. Review, Discussion, and Possible Recommendation Regarding 2022–2026 Strategic Plan Objective 1.4 to Continue to Monitor the Board's License Fee Structure to Ensure the Board's Financial Stability, Maintain Access to the Board's Services, and Determine Whether the Board Needs to Consider Plans for Restructuring Its Fees

Ms. Walker provided an overview of the Board's current fund condition. She stated the Board's fund condition is currently stable primarily due to cost savings from position vacancies; however, she cautioned that the Board would begin to see a diminishing fund condition as the Board returns to its full staffing level.

She explained the Board's last fee study in 2021 concluded that the Board needs approximately \$6 million per year to fund its operations, repay the outstanding loan balance to the Bureau of Automotive Repair, and build a six-month reserve over a five-year period. She noted that fee study failed to account for the elasticity of the Board's fee-based services, particularly the CE course application fee, so some of the revenue projections from that study are not being reflected in staff's workload and revenue estimates for future fiscal years. She stated staff plans to work with DCA's Budget Office on an updated fee analysis for presentation to the Legislature during the Board's next sunset review.

Mr. Sweet asked about the current revenue from the new CE course application fee compared to the estimate in the 2021 fee study. Ms. Walker explained CE providers

have indicated they do not plan to offer as many courses due to the cost and the Board's pending regulations would extend the approval period to three years, so staff is estimating the actual revenue will be approximately 50 percent of the projection in the fee study report.

Mr. Sweet asked if the Board has the capability and time to complete an updated fee analysis. Ms. Walker responded affirmatively. Mr. Sweet also inquired about the cost of the 2021 fee study. Ms. Walker indicated it cost about \$20,000.

Ms. Cruz noted that the spending projections for future fiscal years assume full staffing levels and the Board's maximum possible expenditures.

Public Comment: None.

5. Review, Discussion, and Possible Recommendation Regarding 2022–2026 Strategic Plan Objective 4.1 to Increase Efficiency in Rulemaking Processes to Move Pending Regulatory Packages Forward, Prevent a Backlog of Packages, and Improve Staff and Board Effectiveness

Ms. Walker provided a brief presentation on the four stages of the regulation process: concept phase; production phase; initial filing phase; and final filing phase. She explained the concept phase is the most crucial for Board and committee-level involvement and collaboration in the development of regulations. She indicated for the Board to be effective and efficient in the rulemaking process, the advisory committees must focus on a clearly identified problem, solution, and alternatives. She noted many of the Board's current regulations have been delayed historically due to staff and committees putting the potential solution ahead of problem identification and analysis.

She indicated the Board and committees have been doing an excellent job over the past year in engaging in policy discussions and providing direct feedback on proposals so staff and regulatory counsel can draft regulatory language that reflects the policy issue and regulatory concept. She noted another best practice to gain efficiency in the rulemaking process is for staff to draft the final production documents as the proposals are being presented to the Board for review, so the packages can begin the departmental and agency review processes immediately upon Board approval of the text.

Ms. Cruz suggested adding the four stages of the regulation workflow and the OAL review standards to the new Board member onboarding procedures and using the four phases when providing status updates on the Board's regulatory packages.

Mr. Sweet asked if the current volume of eight regulatory packages in the production phase is a normal or elevated workload level. Ms. Walker explained the workload is currently high as the Board has been moving quickly to address the pending backlog of

proposals in the production phase. She estimated a workload of three to four packages in each phase is a sustainable long-term goal to prevent delays.

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 to Create Effective Board Members

Ms. Pitto shared that staff has been working on developing an electronic Board member resource shared folder and an updated resource binder and plans to distribute the materials in 2024. She noted the overview of the rulemaking phases is included in those resources.

Mr. Sweet thanked staff for their efforts in developing those resources for Board members. Ms. Cruz asked about the request from the October 19, 2023 Board meeting for DCA email addresses for Board members. Ms. Walker stated staff is consulting with OIS on possible access solutions for Board members. Ms. Cruz proposed a future Committee discussion on the ease of access and communication using DCA email addresses and other applications.

Public Comment: None.

7. Public Comment for Items Not on the Agenda

Public Comment: None.

8. Future Agenda Items

Public Comment: None.

9. Adjournment

Ms. Cruz adjourned the meeting at 12:02 p.m.