

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS DIVISION 4.

BOARD OF CHIROPRACTIC EXAMINERS

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING: Delegation of Certain Functions to the Executive Officer

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be **received by the Board at its office no later than by Monday, March 9, 2026**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 4 of the Chiropractic Initiative Act of California (Act) [Initiative Measure, Stats. 1923, p. lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1], and to implement, interpret, or make specific Business and Professions Code (BPC) section 820, Government Code sections 11500 through 11529, and sections 3 and 10 of the Act (Initiative Measure, Stats. 1923, p. lxxxix, § 3, and p. xci, § 10, as amended by Stats. 1976, ch. 263, p. 548, § 2, and Stats. 1978, ch. 307, p. 640, § 3), the Board is considering amending section 306 of Title 16, Division 4, Article 1 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Existing law, the Act, section 10(b), authorizes the Board to suspend or revoke a license to practice chiropractic, place a licensee on probation, or issue a reprimand for violation of the rules and regulations adopted by the Board in accordance with the Act, or for any cause specified in the Act, and specifies that the disciplinary proceedings to impose

these penalties shall be conducted in accordance with the Administrative Procedure Act, Government Code section 11500 et seq.

Through CCR section 306, the Board has delegated certain administrative functions related to these disciplinary proceedings—such as filing accusations, issuing hearing notices, scheduling hearings, and mailing decisions—to its executive officer.

This proposal will amend CCR section 306 to summarize and clarify the administrative and investigative functions related to disciplinary proceedings that have already been delegated to the Board's executive officer and confer upon the executive officer the additional delegated authority to:

- Order examinations of licensees whenever it appears they may be unable to practice safely due to mental illness, or physical illness affecting competency, pursuant to BPC section 820.
- Issue default decisions where licensees have failed to file a notice of defense or to appear at a hearing.
- Grant motions to vacate a default decision.
- Approve settlement agreements for the revocation, surrender, or interim suspension of a license.

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by authorizing the Board's executive officer to promptly carry out routine, non-controversial administrative and investigative functions on behalf of the Board, allowing the Board to pursue its mission of consumer protection and prevent potential harmful behavior from licensees.

This regulatory proposal does not affect worker safety or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that this proposal is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The regulation does not result in a fiscal impact to the state. This proposal is intended to expedite the Board's handling of routine, non-controversial administrative and investigative functions and does not

result in additional workload or costs. The regulation does not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The rulemaking file includes the facts, documents, testimony, and/or other evidence that support this determination.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily occur in reasonable compliance with the proposed action.

This proposal is intended to expedite the Board's handling of routine, non-controversial administrative and investigative functions and does not result in additional costs to individuals or businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Impact on Jobs/Businesses

The Board has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state, or
- 3) the expansion of businesses currently doing business in the state.

Benefits of Regulation

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by authorizing the Board's executive officer to promptly carry out routine, non-controversial administrative and investigative functions on behalf of the Board, allowing the Board to pursue its mission of consumer protection and prevent potential harmful behavior from licensees.

This regulatory proposal does not affect worker safety or the state's environment as this proposal is not related to any of those issues.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulation will not affect small businesses. The proposal delegates certain existing functions related to investigative and disciplinary proceedings from the Board to its executive officer. This delegation of existing authority does not result in additional costs to small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit written comments relevant to the above determinations to the Board's office at 1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 N. Market Blvd., Suite N-327, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the

person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Tammi Herrera
Address: Board of Chiropractic Examiners
1625 N. Market Blvd., Suite N-327
Sacramento, CA 95834
Telephone No.: (916) 574-8983
Fax No.: (916) 327-0039
Email Address: tammi.herrera@dca.ca.gov

The backup contact person is:

Name: Kristin Walker
Address: Board of Chiropractic Examiners
1625 N. Market Blvd., Suite N-327
Sacramento, CA 95834
Telephone No.: (916) 574-7784
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AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at https://www.chiro.ca.gov/laws_regs/prop_regs.shtml.