

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
Division 4
Article 5

DEPARTMENT OF CONSUMER AFFAIRS

BOARD OF CHIROPRACTIC EXAMINERS

Final Statement of Reasons

Subject Matter of Proposed Regulations: Repeal of Successful Examination Regulation

Sections Affected: Repeal section 354 of Article 5 of Division 4 of Title 16 of the California Code of Regulations

Updated Information

The Informative Digest and Initial Statement of Reasons are included in the rulemaking file and incorporated as though set forth herein.

The Board of Chiropractic Examiners (Board) noticed the proposed rulemaking on January 3, 2025, with a 45-day comment period ending on February 18, 2025.

The Board received one comment during the comment period. There were no requests for a public hearing and no separate public hearing was held.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulations or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board incorporates by reference the alternatives identified in its Initial Statement of Reasons and did not receive any comments that altered its findings.

Comments

The 45-day comment period began on January 3, 2025, and ended on February 18, 2025. The Board did not hold a hearing.

The Board's summary of and response to the comment received is presented below.

Comment A: Danny Gambino, B.Sc., D.C., January 4, 2025

Summary of Comment A-1:

The commenter suggested giving notice of successful completion of the examination to the candidate after the \$137 fee is collected and after the Board has finalized the application process.

Response to Comment A-1:

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based thereon.

The Board collects two fees from an applicant during the application process to obtain an initial doctor of chiropractic license: 1) a \$345 application fee that is paid by the applicant when applying to the Board for eligibility to take the Board examination, known as the California Chiropractic Law Examination (CCLE); and 2) a \$137 initial license fee that is paid by the applicant for the issuance of their initial license after successful completion of the CCLE.

The Board must first provide notice to applicants that they have successfully passed the CCLE so they can pay their initial license fee and complete the licensure process. The Board cannot collect the initial license fee from an applicant before they have passed the CCLE for two reasons: 1) some applicants fail to appear for or pass the CCLE and subsequently abandon their applications for licensure; and 2) the initial license fee amount can change through legislation or regulation during the period of time between when the applicant is deemed eligible to take the CCLE and when the applicant successfully completes the CCLE.

Summary of Comment A-2:

The commenter asked if the regulatory proposal is for first-time candidates and stated otherwise the rule makes it illegal to advertise as a chiropractor if the licensee has their license suspended for administrative reasons (i.e., no continuing education on record, fees not received by the Board, etc.).

Response to Comment A-2:

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based thereon.

As described on pages two through five of the Initial Statement of Reasons, this proposal only affects applicants for an initial doctor of chiropractic license. This proposal has no impact on license renewals or the Board's existing advertising regulations.

Summary of Comment A-3:

The commenter noted the Board's average processing time to issue a license after receipt of the initial fee in FY 2023–24 was 11 days. The commenter asked about the number of hours and cost to prepare the regulatory proposal.

Response to Comment A-3:

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based thereon.

As described on pages two and three of the Initial Statement of Reasons, this proposal does not result in a fiscal impact to the state, and it is necessary because the current regulation conflicts with existing laws and regulations that prohibit the unlicensed practice of chiropractic.

Summary of Comment A-4:

The commenter asked about the specific number of candidates who have had their license rescinded, revoked, or put on probation in the past five years after they were informed of successful completion of the CCLE.

Response to Comment A-4:

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based thereon.

In the past five years, the Board denied one license application after the applicant had already passed the CCLE. When possible, the Board denies the license application prior to deeming an applicant to be eligible for the CCLE. However, occasionally new criminal or disciplinary history information is received by the Board after the applicant has already been deemed eligible to take the CCLE, but before a license has been issued, so the Board must deny the application after the applicant has completed the CCLE.