

DEPARTMENT OF CONSUMER AFFAIRS

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 4.**

BOARD OF CHIROPRACTIC EXAMINERS

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Repeal of Successful Examination Regulation**

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 Tuesday, February 18, 2025**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 4(b) and 4(e) of the Chiropractic Initiative Act of California (Act), Stats. 1923, p. lxxxviii, the Board is considering repealing section 354 of Title 16, Division 4, Article 5 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Existing law, the Act, section 5, states it shall be unlawful for any person to practice chiropractic in this state without a license to do so, and section 15 specifies that it is a misdemeanor for any person to practice or attempt to practice chiropractic, or use the title “chiropractor” or “D.C.” or any word or title to induce, or tending to induce belief that they are engaged in the practice of chiropractic without first complying with the provisions of the Act.

Additionally, CCR, title 16, section 310.2 prohibits a person from engaging in the practice of chiropractic without holding an active license issued by the Board, and

section 312 prohibits an unlicensed individual from diagnosing, analyzing, or performing a chiropractic adjustment.

However, CCR, title 16, section 354, which was adopted by the Board effective November 17, 1979, permits applicants who are notified in writing by the Board of successful completion of the Board examination to immediately commence the practice of chiropractic in California pending the receipt of their certificate.

CCR section 354 is problematic because it conflicts with existing laws and regulations that prohibit the unlicensed practice of chiropractic (the Act, sections 5 and 15, CCR section 310.2 and 312 and BPC section 1006.5), since the regulation suggests that that completion of the Board examination allows practice, when the licensing process requires the Board to collect a fee and evaluate an application after a successful examination. CCR section 354 is also contrary to the public's expectation that only duly licensed doctors of chiropractic may practice chiropractic within the state, as it suggests that a successful examinee can practice, when a successful examinee does not necessarily have their application approved yet and has not yet officially obtained a license from the Board.

This proposal will repeal CCR section 354 because it is necessary to eliminate confusion surrounding the licensure process and the current regulation may be interpreted as allowing for the unlicensed practice of chiropractic by applicants.

Anticipated Benefits of Proposal

This proposal benefits the health and welfare of California residents by helping ensure that only appropriately qualified and licensed doctors of chiropractic may engage in the practice of chiropractic in California through eliminating a potentially conflicting regulatory provision that could be interpreted as allowing a successful examination applicant to practice without meeting other licensure requirements. Repealing CCR section 354 helps clarify the licensure process.

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 regulations do not result in a fiscal impact to the state. This proposal is intended to better align the Board's

regulations with current law and does not result in additional workload or costs. The regulations do 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.

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 better align the Board's regulations with current law 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 creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses within the State of California.

Benefits of Regulation

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring that only appropriately qualified and licensed doctors of chiropractic may engage in the practice of chiropractic in California.

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 regulations will not affect small businesses. This proposal is intended to better align the Board's regulations with current law and 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 Pitto
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.pitto@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
Fax No.: (916) 327-0039
Email Address: kristin.walker@dca.ca.gov

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.