

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS**  
**Division 4**  
**Article 6**

**DEPARTMENT OF CONSUMER AFFAIRS**  
**BOARD OF CHIROPRACTIC EXAMINERS**

**Final Statement of Reasons**

**Subject Matter of Proposed Regulations:** Continuing Education: Distance Learning

**Sections Affected:** Amend section 363.1 of Article 6 of Division 4 of Title 16 of the California Code of Regulations

**Updated Information**

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

The Board of Chiropractic Examiners (Board) noticed the proposed rulemaking on September 19, 2025, with a 45-day comment period ending on November 3, 2025.

The Board received 25 comments during the comment period. There were no requests for a public hearing and no separate public hearing was held.

The Board updated the text post-notice to correct: 1) minor grammatical errors in subsections (a) and (b)(5); and 2) the “authority” and “reference” citations to the Chiropractic Initiative Act of California in the Note section. These changes are non-substantive because they do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision. Instead, they ensure proper grammar and provide a more accurate citation to the “authority” and “reference” for this proposal.

**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 ISOR and did not receive any comments that altered its findings.

### **Comments**

The 45-day comment period began on September 19, 2025, and ended on November 3, 2025. The Board did not hold a hearing.

The Board's summary of and responses to the comments received are presented below.

#### **Support for the Proposed Regulation**

##### **Written Comments 1–20:**

<b>Comment</b>	<b>Name</b>	<b>Date Received</b>
1	Gene A. Bergmann, D.C.	September 22, 2025
2	Glenn E. Johnson, D.C.	September 22, 2025
3	Rik Cederstrom, D.C.	October 1, 2025
4	Terrance Tolbirt, D.C.	October 2, 2025
5	Dean K. Denning, D.C.	October 11, 2025
6	Bruce L. Denning, D.C.	October 15, 2025
7	Marcus Strutz, D.C., Back to Chiropractic CE Seminars	October 29, 2025
8	Marcus Strutz, D.C., Back to Chiropractic CE Seminars	October 30, 2025
9	Warren B. Friedman, D.C.	October 30, 2025
10	Janet Ferolito, D.C.	October 30, 2025
11	Paul Schaffer, D.C.	October 30, 2025
12	Hien Tran, D.C.	October 30, 2025
13	Edward Cunningham, D.C.	October 30, 2025
14	John L. Mayfield, D.C.	October 30, 2025
15	John Campise, D.C.	October 30, 2025
16	Richard Belsky, D.C.	October 30, 2025
17	Aaron Kenna, D.C.	October 30, 2025
18	Derek Ko, D.C.	October 30, 2025

Comment	Name	Date Received
19	Jane Chin, D.C.	October 30, 2025
20	Ingrid Machado, D.C.	October 30, 2025

Summary of Comments 1–20:

The 20 comments collectively support the Board's proposal to amend CCR, title 16, section 363.1.

Response to Comments 1–20:

The Board acknowledges and appreciates the support of these commenters. The comments do not suggest any changes to the proposed text, and no revisions were made.

**Written Comment 21 by Daniel Schlenger, D.C. on October 1, 2025**

Summary of Comment 21:

The commenter requested to see the actual attendance requirement dropped and replaced with Zoom-type meetings because personal attendance is difficult for presenters and attendees.

Response to Comment 21:

The Board perceives this comment to be in support of the proposed regulation. The commenter appears to be referring to the existing 12-hour live, in-person continuing education course attendance requirement with the terms "actual attendance" and "personal attendance", and requests that the Board allow live webinars to also qualify as live continuing education.

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text because the current proposal, as originally noticed, already achieves the outcome the commenter is seeking.

**Adverse Comments**

**Written Comment 22 by Anonymous DC on October 12, 2025**

Summary of Comment 22:

The commenter expressed concerns that the proposal 1) reduces economic activity associated with in-person continuing education, such as travel, hotels, and dining; 2) disadvantages small continuing education providers while benefiting large

organizations; 3) diminishes the quality of teaching and engagement; and 4) contributes to social isolation and the loss of professional community and human connection.

**Response to Comment 22:**

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based on the rationale below and in the ISOR.

As stated on page seven of the ISOR, the Board has determined the proposed regulation will not have a significant statewide adverse economic impact on businesses. The proposal does not change the total number of continuing education hours required annually, including the minimum of 12 hours of live education, nor does it eliminate in-person continuing education. Instead, the proposal replaces the current requirement for licensees to annually commute or travel to continuing education courses with the option to complete the coursework in person or through live online learning. Any potential impacts on industries outside of chiropractic, such as the broader service sector, are too attenuated to link to the Board's proposal.

The proposal does not disproportionately benefit larger continuing education providers over smaller ones. The proposal creates new opportunities for small businesses to innovate and expand their reach to a broader audience. The proposal is expected to provide a more equitable and competitive environment by enabling chiropractic continuing education providers to compete based on the quality of their content and instruction rather than their logistical capacity or geographic coverage.

The proposal does not diminish the quality of teaching and engagement. Since the COVID-19 pandemic, live online learning platforms have advanced significantly and offer instructional quality and delivery that are comparable to traditional in-person settings. In addition, by allowing licensees the flexibility to choose between in-person and live online formats, the proposal is expected to enhance licensee participation and engagement by aligning with their preferred learning methods.

The proposal does not contribute to social isolation or the loss of professional community and human connection. The Board recognizes the value of in-person continuing education, particularly the spontaneous interactions, professional networking opportunities, and sense of community it can provide to licensees. Importantly, this proposal does not prohibit or restrict in-person education. Instead, the proposal seeks to balance those considerations with the need to provide accessible, flexible, and equitable continuing education options for all licensees. This proposal ensures licensees located in rural areas or outside of the state, with medical conditions or disabilities, with caregiving responsibilities, or for whom travel may pose an undue financial or logistical hardship, can also participate in a broad range of live continuing education courses and topics and have equitable access to engage and network with other licensees from diverse backgrounds and experiences.

## **Written Comment 23 by Tong CE Seminars, LLC on October 22, 2025**

### Summary of Comment 23:

The commenter expressed concerns that 1) the proposed rule does not adequately define synchronous learning that occurs outside of the classroom and therefore does not assure participatory interaction between licensees and the instructor/presenter; and 2) the proposed rule will result in a takeover of California continuing education by large out-of-state providers who can provide webinars cheaply to a national audience.

The commenter suggested the Board take a path to distance learning that results in actual interaction between the instructors and the licensees by specifying what synchronous learning must include, limiting the class size to no more than 40 licensees, and requiring that each webinar provide the means for oral discussions between the instructor and licensees and between licensees, not just communication by chat.

### Response to Comment 23:

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based on the rationale below and in the ISOR.

The request for the regulation to define synchronous learning that occurs outside of the classroom and specify what it must include, limit the class size, and require oral discussions between the instructor and licensees, has already been deemed by the Board as a policy decision that it is unnecessary and exceeds the scope and intent of this regulatory proposal. As stated on pages two through four of the ISOR, the purpose of this proposal is to define "distance learning" as a form of asynchronous learning conducted online or outside of a classroom and that does not offer participatory interaction between the licensee and the instructor during the instructional period. The Board's regulations already allow any other "program of coordinated instruction" that does not fall within the definition of distance learning and that meets all other requirements for approval by the Board to qualify for live or "classroom" credit.

The proposal will not result in a takeover of California continuing education by large, out-of-state providers offering low-cost webinars to a national audience. As stated on page seven of the ISOR, the Board has determined the proposed regulation will not have a significant statewide adverse economic impact on businesses, including the ability for California businesses to compete with those in other states. California remains a leader within the chiropractic profession with approximately 10,700 of the nation's 70,000 licensed doctors of chiropractic actively practicing in the state. This proposal is expected to provide a more equitable and competitive environment by enabling all chiropractic continuing education providers, regardless of their size, to compete based on the quality of their content and instruction rather than their logistical capacity or geographic coverage. Further, the Board anticipates that many licensees will continue to seek out continuing education courses from California-based associations,

chiropractic programs, and small businesses due to their alignment with local standards of practice and the state's leadership in innovative chiropractic practice and treatment approaches.

**Written Comment 24 by Michael I. Kelley, D.C. on October 29, 2025**

Summary of Comment 24:

The commenter opined that chiropractic manipulation and techniques must be taught in person to be effective because the exchange of information and ideas and practice of new techniques cannot be done in a webinar seminar. The commenter requested that the Board keep the in-person attendance requirement for technique seminars.

Response to Comment 24:

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based on the rationale below and in the ISOR.

As stated on pages two through four of the ISOR, the purpose of this regulatory proposal is to define "distance learning" as a form of asynchronous learning conducted online or outside of a classroom and that does not offer participatory interaction between the licensee and the instructor during the instructional period. The Board's regulations do not currently require chiropractic technique courses to be completed in person, and the Board respectfully rejects the request to mandate in-person attendance for technique courses because such a requirement has already been deemed by the Board as a policy decision that it is unnecessary. Further, this comment exceeds the scope and intent of this proposal.

**Written Comment 25 by M. Kirk Meier, D.C. on October 30, 2025**

Summary of Comment 25:

The commenter expressed concerns that 1) the Board's intention to offer a solution for licensees who are unable to attend continuing education courses in person may be abused by those who are unwilling to attend in-person courses; 2) licensees may not pay attention during courses; 3) requiring a test to be taken at the end of a course or during a course could easily be subverted if the continuing education provider chooses to give a generic test that can be passed by using common sense and not the actual material from the course; and 4) continuing education providers could choose to only offer synchronous courses thereby reducing their overhead costs, compromising the integrity of their courses, and resulting in less effective outcomes for doctors of chiropractic and a risk to public safety.

The commenter proposed that the Board require licensees who are unable to attend continuing education courses for medical, logistical, or financial reasons to submit an

application for approval to Board to participate in the synchronous platform and receive in-class credit hours.

The commenter also posed nine questions to the Board:

1. When would this program be initiated?
2. How long would the test for a Synchronous course have to be?
3. Would there be an established passing grade that would grant the course hours to be given?
4. Would a Synchronous course also provide Asynchronous CE hours if an attendee was NOT approved for eligibility by the Board (if the above solution was implemented) or simply wanted to gain the information without attending in person?
5. Would a CE Provider be required to seek separate approval numbers from the Board if the course was to be given in-class and Synchronous?
6. If separate approval numbers were required, would there be an additional cost for that CE Provider to have the same course approved for in-class and synchronous?
7. How would it be proven that an attendee successfully passed the test for any given course?
8. Would there be additional employees at the Board, dedicated to processing this proof of course completion?
9. Would the burden be on the attending Practitioner or the Provider to prove to the Board that the attendee successfully passed the course?

Response to Comment 25:

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based on the rationale below and in the ISOR.

As stated on pages two through four of the ISOR, the purpose of this regulatory proposal is to define “distance learning” as a form of asynchronous learning conducted online or outside of a classroom and that does not offer participatory interaction between the licensee and the instructor during the instructional period, thereby providing clarity in the distinction between the types of courses that qualify for live classroom credit and the courses that are considered distance learning. Further, such learning is limited to no more than 12 hours annually. By narrowly defining distance learning as asynchronous coursework, synchronous courses delivered through online learning platforms will qualify for the same classroom credit as traditional, in-person courses. The Board’s intent is to ensure that all actively licensed doctors of chiropractic have access to a broad range of continuing education courses on topics such as advancements in the field of chiropractic practice, clinical competence, patient care, evaluation and diagnostic skills, and legal and ethical obligations, regardless of their geographic location, not to offer a solution solely to licensees who are unable to attend continuing education courses in person. The Board has already specified a

medical exemption process for licensees who are unable to attend continuing education courses due to a disability through California Code of Regulations (CCR), title 16, section 364, subdivision (e).

The Board's existing regulations already allow licensees to complete continuing education courses in person or through synchronous or asynchronous distance learning platforms. This proposal would narrow the definition of distance learning to asynchronous learning, thereby allowing synchronous coursework to qualify for the same live hours as in-person courses. This proposed change does not impact continuing education providers' course attendance and participation policies.

This proposal requires providers of asynchronous distance learning to establish successful completion of a course through a requirement that a licensee must pass an interactive or self-assessment test of the subject matter. The Board trusts in the integrity of its approved continuing education providers and does not believe they will attempt to subvert this important knowledge check requirement through a generic test. However, if a continuing education provider attempts to subvert this testing requirement, the Board would deny or withdraw approval of the course, as specified in CCR, title 16, section 363, subdivisions (d) and (h).

This proposal will not compromise the integrity of continuing education courses or result in less effective outcomes for licensees or a risk to public safety. Since the COVID-19 pandemic, live online learning platforms have advanced significantly and offer instructional quality and delivery that are comparable to traditional in-person settings. By allowing licensees the flexibility to choose between in-person and live online formats to fulfill their live hours, the proposal is expected to improve outcomes for licensees by aligning with their preferred learning methods.

The Board respectfully rejects the proposal to create a new application and approval process for licensees to participate in synchronous courses to fulfill their required live hours because it would be overly burdensome for Board staff, would have a significant fiscal impact on the Board, and would not address the problem the Board is seeking to solve through this proposal. As noted above, CCR, title 16, section 364, subdivision (e) already specifies a medical exemption process for continuing education courses. The purpose of this proposal is not to offer a solution solely for licensees who are unable to attend in-person courses due to medical, logistical, or financial reasons. Instead, the intent of this proposal is to modernize the Board's definition of distance learning, thereby removing the current 12-hour limit on live webinars and virtual classrooms that offer comparable instructional quality and delivery to in-person classroom settings. Additionally, implementing the suggested application and approval process would place an unreasonable and unsustainable burden on the Board's workload and financial resources.

Below are the Board's responses to the nine questions posed by the commenter.

1. When would this program be initiated?

The Board is requesting for this regulation to become effective after review and approval by the Office of Administrative Law and upon filing with the Secretary of State.

2. How long would the test for a Synchronous course have to be?

This proposal does not require a test for a synchronous continuing education course.

3. Would there be an established passing grade that would grant the course hours to be given?

No.

4. Would a Synchronous course also provide Asynchronous CE hours if an attendee was NOT approved for eligibility by the Board (if the above solution was implemented) or simply wanted to gain the information without attending in person?

This question is unclear. The Board respectfully rejects the proposed solution presented above. Continuing education providers may submit courses offered in multiple delivery formats (i.e., in-person, synchronous, or asynchronous) to the Board for approval.

5. Would a CE Provider be required to seek separate approval numbers from the Board if the course was to be given in-class and Synchronous?

No.

6. If separate approval numbers were required, would there be an additional cost for that CE Provider to have the same course approved for in-class and synchronous?

No.

7. How would it be proven that an attendee successfully passed the test for any given course?

Under this proposal, continuing education providers would be responsible for verifying a licensee successfully passed a test of the subject matter before issuing a certificate of completion to the licensee for a distance learning course.

8. Would there be additional employees at the Board, dedicated to processing this proof of course completion?

No. As stated on page three of the notice of proposed action, the Board does not anticipate additional workload or costs resulting from the proposed regulation.

9. Would the burden be on the attending Practitioner or the Provider to prove to the Board that the attendee successfully passed the course?

Continuing education providers would be responsible for verifying a licensee successfully passed a test of the subject matter before issuing a certificate of completion to the licensee for a distance learning course. As specified in CCR, title 16, section 363, subdivision (h), the Board may withdraw approval of any continuing education course for good cause such as violation of the regulation or falsification of information.