

**State of California
Office of Administrative Law**

In re:
Board of Chiropractic Examiners

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 390.4, 390.5

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2025-1010-01

OAL Matter Type: Regular (S)

In this action the Board proposes amendments to align to Business and Professions Code section 125.9, subdivision (b), and to extend the deadline for requesting an informal conference to contest a citation to 30 days from the date of issuance on the citation for consistency with the timeframe for requesting a formal administrative hearing.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2026.

Date: November 19, 2025



**Ashita Mohandas
Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Robert Puleo, Executive Officer
Copy: Kristin Walker**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

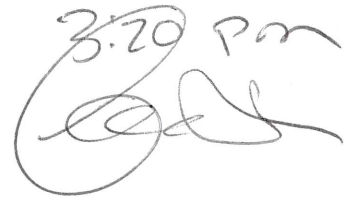
STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 19 2025

3:20 PM
OFFICE OF ADMIN. LAW
2025 OCT 10 PM 1:52

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2025-0422-01	REGULATORY ACTION NUMBER 2025-1010-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Board of Chiropractic Examiners

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2025, 18-2	PUBLICATION DATE 5/2/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Appeal Process for Citations and Compliance		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)		
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT	
	AMEND 390.4, 390.5	
TITLE(S) 16	REPEAL	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)


<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <u>Kimberly Kirchmeyer, Director, Department of Consumer Affairs</u>		

7. CONTACT PERSON Kristin Walker	TELEPHONE NUMBER (916) 574-7784	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) kristin.walker@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 10/08/2025
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TYPED NAME AND TITLE OF SIGNATORY Kristin Walker, Executive Officer, Board of Chiropractic Examiners

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ENDORSED APPROVED

NOV 19 2025

Office of Administrative Law

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

ORDER OF ADOPTION

**Appeal Process for Contested Citations and Licensee Compliance with
Assessed Fines**

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend Sections 390.4 and 390.5 of Article 9 of Division 4 of Title 16 of the California Code of Regulations to read as follows:

§ 390.4. Contested Citations.

(a) The citation shall inform the licensee cited person that if ~~he/she~~ they desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the ~~b~~Board within 30 calendar days of the date of issuance ~~of on~~ the citation. If a hearing is not requested pursuant to this subsection, the Board shall not construe the payment of any fine to constitute an admission of a charged violation. Hearings shall be held pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing provided for in subdivision (a) of this section, the cited person may, within ~~14~~ 30 calendar days ~~after service of the date of issuance on~~ the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer or ~~his/her~~ their designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the person cited ~~and/or his/her the cited person's~~ legal counsel or authorized representative, if any.

(d) The Executive Officer or ~~his/her~~ their designee may affirm, modify, or dismiss the citation, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and ~~his/her the cited person's~~ legal counsel or authorized representative, if any, within 14 calendar days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued.

(e) If the citation is dismissed, the request for a hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may, in ~~his/her~~ their discretion, withdraw the request for a hearing or proceed with the administrative hearing process.

NOTE: Authority cited: Sections 125.9 and 148, 1000-4(b) and 1000-10, Business and Professions Code; and Section 4 of the Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. 1xxxviii lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1). Reference: Sections 1000-4(b) and 1000-10, 125.9 and 148 of the Business and Professions Code; and Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii.

§ 390.5. Compliance with Citation/Order of Abatement.

(a) Orders of abatement may be extended for good cause. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond ~~his/her~~ their control after the exercise of reasonable diligence, the person cited may request an extension of time from the Executive Officer or ~~his/her~~ their designee in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) Failure of a licensee to pay a fine or comply with an order of abatement, or both, within 30 calendar days of the date of assessment or order, unless the citation is being appealed, shall constitute unprofessional conduct and cause for the Board taking disciplinary action against the licensee. When a licensee does not contest the citation, or the licensee does not prevail on their appeal of the citation, and a fine is not paid, the Board shall add the full amount of the assessed fine to the fee for renewal of the license. The Board shall not renew a license without the licensee's payment of the renewal fee and fine. ~~When a citation or order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation within the time allowed or pay the fine that is imposed, if one was, shall constitute a violation and a failure to comply with the citation or order of abatement.~~

(c) ~~Failure to timely comply with an order of abatement or pay a fine that is imposed is unprofessional conduct and may result in disciplinary action being taken by the board.~~

NOTE: Authority cited: Sections 125.9 and 148, 1000-4(b) and 1000-10, Business and Professions Code; and Sections 4 and 10 of the Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. 1xxxviii lxxxix, § 4, and p. xci, § 10, as amended by Stats. 1978, ch. 307, p. 636, § 1, and p. 640, § 3). Reference: Sections 1000-4(b) and 1000-10, 125.9 and 148 of the Business and Professions Code; and Section 10 of the Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. 1xxxviii xci, § 10, as amended by Stats. 1978, ch. 307, p. 640, § 3).