

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

PROPOSED REGULATORY LANGUAGE

Section 100 – Align Fee Amounts with Fixed Fee Schedule in Statute

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend Sections 310.1, 317.1, 323, 360, 367.5, 367.10, and 370 of Articles 2, 3, 6, 7, and 7.5 of Division 4 of Title 16 of the California Code of Regulations to read as follows:

§ 310.1. Replacement License.

Any licensee shall be entitled to a replacement license if ~~his~~ their original license is lost, stolen or mangled, or upon written request and legal documentation of name change. Each request for a replacement license must be accompanied by a nonrefundable fee of ~~\$25.00~~ \$71, and signed written statement as to the circumstances of loss of said license, or the return to the ~~b~~Board office of the mangled license.

NOTE: Authority cited: ~~Sections 1000-4(b) and 1000-4(e) 4, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1) and Section 122, Business and Professions Code. Reference: Sections 1000-7 and 1000-10(b) 7 and 10, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. xc, § 7, and p. xci, § 10, as amended by Stats. 1978, ch. 307, p. 640, § 3) and Sections 122 and 1006.5, Business and Professions Code.~~

§ 317.1. Chiropractic Referral Services.

Chiropractic referral services shall conform to the following:

- (1) A referral bureau shall be made up of at least five doctors, each of whom does not have fiduciary relationship one to the other, with one participating office representing no more than 20 percent of the bureau's available practitioners. The ~~b~~Board will consider any extenuating circumstances which will prevent a service from complying with these requirements;
- (2) An application shall be filed with the ~~b~~Board office which has been approved by the ~~b~~Board, and properly identifies the service, structure and members;
 - (a) A nonrefundable application fee of ~~\$25.00~~ \$279 shall be submitted with the referral service application.

- (3) A telephone number shall be for a separate answering service;
- (4) The answering service of the bureau shall refer the caller to the next doctor on the list on a rotating basis. The following are exceptions:
 - (a) A request for a specialist;
 - (b) Geographic considerations;
 - (c) Request for services in a language other than English.
- (5) Records on each referral shall be kept and include the following:
 - (a) Date of referral;
 - (b) Name and address of patient;
 - (c) Name and address of doctor referred to.
- (6) When a 24-hour emergency referral service is offered, a member of the group shall be available.

NOTE: Authority cited: Section 4000-4(b), Business and Professions Code 4, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1). Reference: Sections 651 and 1006.5, Business and Professions Code.

§ 323. Reciprocity. Interpretation of Section 9 of the Act.

The ~~b~~Board makes the following interpretation of Section 9 of the Act which states candidates for licensure are considered to have fulfilled the requirement of reciprocity if they provide the documentation required by the ~~b~~Board showing the following:

- (a) Graduation from a ~~b~~Board approved chiropractic college, and completion of the minimum number of hours and subjects as were required by California law at the time the applicant's license was issued.
- (b) Equivalent successful examination in each of the subjects examined in California in the same year as the applicant was issued a license in the state from which ~~he is~~ they are applying.
- (c) They must hold a valid and up-to-date license from the state from which they are reciprocating.
- (d) The state from which they are licensed will reciprocate with California.

(e) The ~~b~~Board reserves the right to require any additional education or examination for reciprocity.

(f) A nonrefundable application fee of ~~\$25.00~~ \$283.

(g) A fee, as set forth in Section 5 of the Act, if licensure is granted.

(h) Five (5) years of chiropractic practice.

NOTE: Authority cited: Section ~~4000-4(b)~~, Business and Professions Code 4, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1). Reference: Section ~~4000-9~~, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, pp. xc-xci, § 9, as amended by Stats. 1971, ch. 1755, p. 3787, § 8) and Section 1006.5, Business and Professions Code.

§ 360. Continuing Education Fees.

The following represents fees for continuing education:

(a) Continuing Education Provider Application Fee: ~~\$75~~ \$291

(b) Biennial Continuing Education Provider Renewal Fee: ~~\$50~~ \$118

(c) Continuing Education Course Application Fee: ~~\$50 per course. A course is defined in Section 363.~~ \$116 per hour of instruction.

NOTE: Authority cited: Sections ~~1000-4(b) and 1000-4(e)~~, Business and Professions Code (4, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. 4xxxviii lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1). Reference: Sections ~~1000-4(b) and 1000-10(a)~~, Business and Professions Code (4 and 10, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. 4xxxviii lxxxix, § 4, and p. xci, § 10, as amended by Stats. 1978, ch. 307, p. 636, § 1, and p. 640, § 3) and Section 1006.5, Business and Professions Code.

§ 367.5. Application, Review of Refusal to Approve.

(a) An applicant corporation shall file with the ~~b~~Board an application for Certificate of Registration on a form furnished by the ~~b~~Board, which shall be signed and verified by an officer of the corporation who is a licensed person and be accompanied by a nonrefundable application fee in the amount of ~~one hundred dollars (\$100)~~ \$171.

(b) The ~~h~~Board, within a reasonable time after an application for registration is submitted to it, shall either approve the application and issue a Certificate of Registration or refuse to approve the application and notify the applicant corporation of the reasons therefor.

(c) The ~~h~~Board may delegate to its executive secretary, or other official or employee of the ~~h~~Board, its authority under Section 1051, Business and Professions Code, to review and approve applications for registration and to issue Certificates of Registration.

(d) Any applicant corporation whose application has been disapproved by the ~~h~~Board may request a hearing pursuant to Government Code Section 11504. The hearing shall be conducted pursuant to the Administrative Procedure Act (Government Code Sections 11502-11528).

(e) No applicant corporation shall hold itself out or engage in nor shall it render any professional services unless and until a Certificate of Registration has been issued.

NOTE: Authority cited: Section 4, ~~(b) of the~~ Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. ~~lxxxviii~~ lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1). Reference: Section 4, ~~(b) of the~~ Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. ~~lxxxviii~~ lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1) and Sections 1006.5 and 1051, Business and Professions Code.

§ 367.10. Certificate of Registration; Continuing Validity; Reports.

(a) A Certificate of Registration shall continue in effect until it is suspended or revoked. Such certificate may be suspended or revoked for any of the grounds permitted by law.

(b) Each chiropractic corporation shall file a special report, on a form provided by the Board, within 30 days of any change of the officers, directors, shareholders, employees rendering professional services, and articles of incorporation.

(c) Each special report filed hereunder shall be accompanied by a filing fee of five dollars ~~(\$5)~~ \$98.

NOTE: Authority cited: Section 4, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1). Reference: Section 4, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. lxxxix, § 4, as amended by Stats. 1978, ch. 307, p. 636, § 1) and Sections 1006.5 and 1053, Business and Professions Code.

§ 370. License Renewal Fees.

The following represents fees for license renewals:

- (a) Annual license renewal for active and inactive licenses: ~~\$250~~ \$336
- (b) License restoration for forfeited and cancelled licenses: double the annual renewal fee
- (c) Inactive to active status license renewal: same as the annual license renewal fee

NOTE: Authority cited: Sections ~~1000-4(b) and 1000-10, Business and Professions Code (4 and 10, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. 4xxxviii 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), 1000-10 and 1000-12, Business and Professions Code (4, 10, and 12, Chiropractic Initiative Act of California (Initiative Measure, Stats. 1923, p. 4xxxviii lxxxix, § 4, p. xci, § 10, and p. xcii, § 12, as amended by Stats. 1978, ch. 307, p. 636, § 1, and p. 640, § 3, and Stats. 2010, ch. 539, § 1) and Sections 703 and 1006.5, Business and Professions Code.~~