

## **Amended**

### **Title 16, Division 4. Board of Chiropractic Examiners.**

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "Board") is proposing to amend regulations described in the Informative Digest below. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Board of Chiropractic Examiners at its office no later than 5:00 p.m. on March 14, 2016.

The Board does not intend to hold a hearing on this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received in the Board office no later than 15 days before the close of the written comment period.

The Board, upon its own motion or at the instance 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 will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### **AUTHORITY AND REFERENCE:**

Pursuant to the authority vested by sections 1000-4(b), 1000-4(c) and 1000-5 of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii), and section 115.5 of the Business and Professions Code and to implement, interpret or make specific sections 1000-5 of the Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii), section 11019.11 of the Government Code, and Sections 27, 30, 114.3, 114.5, 115.4, 115.5, 135.5, 480 and 802(a) of the Business and Professions Code, the Board is considering changes to Title 16, Division 4, of the California Code of Regulations as follows:

#### **INFORMATIVE DIGEST**

The Chiropractic Initiative Act, hereinafter referred to as the Act, Section 1000 – 4(b) authorizes the Board to adopt regulations as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

Current Board regulation 16 CCR Section 321 requires any applicant for a license to practice Chiropractic to submit an application titled "Application for License to Practice Chiropractic" on an application form (No. 09A-1 (Rev. 9/92)) to the Board. The proposal

seeks to amend the application form, incorporated by reference, to include recent statutory changes that assist past and present members of the U.S. military and their spouses or domestic partners who have professional or occupational licenses to obtain licensure in California. The proposal also creates education verification documents titled, "Verification of Prechiropractic Hours," Form No. 09B-3 (New 07/14), and "Chiropractic College Certificate," Form No. 09B-2 (New 07/14).

Current Board regulation 16 CCR Section 364 provides criteria that allow a licensee to qualify for a full or partial exemption from the continuing education requirements of section 361. The proposal adds authority for the Board to grant continuing education credit to a licensee who participates in a two-day workshop as a Subject Matter Expert on the development of the California Law and Professional Practice Examination.

This proposal is intended to implement these statutes in a manner that is consistent with the enforcement and administration of the Act and protection of the public. Specifically, this proposal will:

- Establish a process for identifying past and present members of the U.S. military and their spouses or domestic partners, thereby enabling the Board to expedite the processing of their application,
- Establish a process by which applicants who have not obtained a social security number but have an individual taxpayer identification number may apply for a chiropractic license,
- Establish a process through which the Board can verify an applicant's education as part of the requirements for licensure,
- Enhance the Board's screening process of applicants through revision of the application for licensure to conform with changes in law pertaining to administrative discipline and criminal history,
- Remove an inconsistency in the law regarding continuing education requirements for active members of the U.S. military, and
- Provide the Board with authority to grant continuing education credit to Subject Matter experts for participating in the review and revision of the California Law and Professional Practices Examination (CLPPE).

#### POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The Board's highest priority is protection of the public when exercising its licensing, regulatory and enforcement functions. This proposal is consistent with the Board's highest priority and will enable the Board to quickly identify applicants who are past and present members of the U.S. military or spouses/domestic partners of active duty U.S. military members stationed in California in order to process their applications first, which may enhance the timeframe in which they receive a license from the Board. Although the Board does not currently have a backlog in processing licensing applications, this process will provide the Board with the ability to identify these applications and assign them as the highest priority.

Further, this proposal will enhance the Board's consumer protection efforts by requiring applicants for licensure to disclose additional information regarding administrative discipline and criminal and licensing history in order to ensure that the applicant is fit to provide chiropractic services in California. Also, the proposed regulation establishes a process by which applicants who have not obtained a social security number but have an individual taxpayer identification number may apply for a chiropractic license.

Additionally, the proposal provides the Board with authority to grant Continuing Education credit to Subject Matter Experts who participate in the review and revision of the CLPPE which is administered to ensure applicants are proficient with current chiropractic practice standards and laws. Lastly, this proposal will remove inconsistencies in the Application for License to Practice Chiropractic (No. 09A-1 (Rev. 9/92)), Board regulations and laws pertaining to denial of applicants or discipline of licensees, and continuing education requirements for active duty members of the U.S. military. This proposal is intended to enhance public safety through the collection of additional disciplinary and criminal history on the licensing applications in order to determine an applicant's fitness to practice chiropractic.

### CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board has evaluated this regulatory proposal and determined that it is neither inconsistent nor incompatible with existing state regulations.

### INCORPORATION BY REFERENCE:

- "Application for License to Practice Chiropractic", Form 09A-1 (Rev. 06/14)
- "Verification of Prechiropractic Hours", No. 09B-3 (New 07/14)
- "Chiropractic College Certificate", 09B-2 (New 07/14)

### FISCAL IMPACT ESTIMATES

#### Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board has determined that this proposal will not have a fiscal impact upon public agencies, state agencies or federal funding to the state. There are no additional fees or significant expenses incurred by the state as a result of this proposal. This proposal will assist the Board in expediting the licensure process for past and present members of the U.S. military and their spouses/domestic partners, as well as update the licensing application process and forms with current laws.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for which Government Code Section 17630 Requires Reimbursement: None

### Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states and the creation, elimination or expansion of California businesses. Specifically, this proposal would impact applicants who are past and present members of the military and their spouses/legal partners as well as undocumented applicants by authorizing licensing application processing privileges granted by the legislature. The Board's proposed regulations are intended to implement section 1000-5 of the Business and Professions Code (Chiropractic Initiative Act of California, stats. 1923 p. 1xxxviii), Government Code section 11019.11 and BPC sections 27, 30, 114.3, 114.5, 115.4, and 115.5, 135.5, 480 and 802(a) in a manner that will provide the greatest protection to the people of California. Chiropractic businesses are most commonly sole practices, but may include partnerships or corporations. National statistics over the last five years have shown that student enrollment in chiropractic colleges and licensed chiropractors in each state have been relatively consistent from year to year.

### **AND**

The following relevant data were relied upon in making the above determination:

- Senate Bill 1159 (Lara, Chapter 752, Statutes of 2014)
- Senate Bill 1226 (Correa, Chapter 657, Statutes of 2014)
- Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013)
- Assembly Bill 258 (Chavez, Chapter 227, Statutes of 2013)
- Assembly Bill 1588 (Atkins, Chapter 742, Statutes of 2012)
- Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012)
- Board Meeting Minutes from October 28, 2014
- Application for License to Practice Chiropractic
- "FCLB Nation Trends of DC Licenses to Population"
- "Chiropractic College Enrollment Data – 1995 to 2013"
- "CA Board of Chiropractic Examiners - Table of California Chiropractic Licensees 2010-2015"

### Cost Impact on Representative Private Person or Business:

The Board is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The application fee of \$100 and fingerprint fees remain the same. Other minor costs would be incurred by the applicant for supplying documentation to the Board regarding education and criminal or disciplinary history.

### Effect on Housing Costs: None

### Effect on Small Business:

The Board has determined that this regulatory proposal would not have a significant economic impact on small businesses because national statistics over the last five years show student enrollment in chiropractic colleges and the number of licensed chiropractors in each state as relatively consistent from year to year.

### Results of the Economic Impact Analysis/Assessment

The Board concludes that it is (1) unlikely that the proposal will eliminate any jobs for the profession, (2) unlikely that the proposal will create additional jobs for the profession, (3) unlikely that the proposal will create new businesses for licensees, (4) unlikely that the proposal will eliminate any existing businesses, and (5) the proposal is unlikely to expand businesses currently doing businesses with the state.

The Board has determined that this regulatory proposal will protect the health and welfare of California residents through the collection of additional licensing, disciplinary and criminal history information on the licensing application in order to determine an applicant's fitness to practice chiropractic. Additionally, the Board believes that offering continuing education credit for participation as a Subject Matter Expert in the review and revision of CLPPE will ensure the efficacy and validity of the examination, thereby resulting in licensees who have demonstrated proficiency in current California laws and practices guiding their profession. This proposal will have no effect on worker safety or the State's environment.

### CONSIDERATION OF ALTERNATIVES

The Board has 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 proposed action, 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 present statements in writing relevant to the above determinations to the address provided below under "CONTACT PERSON."

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all the information, upon which the proposal is based, may be obtained upon written request from:

Marcus McCarther, Policy Analyst  
901 P Street, Suite 142A  
Sacramento, California 95814  
(916) 263-5355 x 5329  
Fax (916) 327-0047  
[marcus.mccarther@dca.ca.gov](mailto:marcus.mccarther@dca.ca.gov)

## 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 that 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 web site, [\*\*www.chiro.ca.gov\*\*](http://www.chiro.ca.gov).

## CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: Marcus McCarther, Policy Analyst  
Address: 901 P Street, Suite 142A  
Sacramento, California 95814  
Telephone: (916) 263-5355 x 5329  
Fax (916) 327-0047  
E-mail: [marcus.mccarther@dca.ca.gov](mailto:marcus.mccarther@dca.ca.gov)

The backup contact person is:

Name: Robert Puleo, Executive Officer  
Address: 901 P Street, Suite 142A  
Sacramento, CA 95814  
Telephone: (916) 263-5355  
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E-mail: [chiro.info@dca.ca.gov](mailto:chiro.info@dca.ca.gov)

Web Site Address: Materials regarding this proposal can be found at [www.chiro.ca.gov](http://www.chiro.ca.gov).