



BOARD OF CHIROPRACTIC EXAMINERS

Executive Director: Edward Hoefling (916) 445-3244

In 1922, California voters approved an initiative which created the Board of Chiropractic Examiners (BCE). The Board licenses chiropractors and enforces professional standards. It also approves chiropractic schools, colleges, and continuing education courses.

The Board consists of seven members, including five chiropractors and two public members.

MAJOR PROJECTS:

Regulatory Changes. In late May, the Office of Administrative Law (OAL) approved two of three Board regulatory changes which it had disapproved in February. (For background information, see CRLR Vol. 8, No. 1 (Winter 1988) p. 99.) The resubmitted regulations included sections 321 and 355, Title 16 of the California Code of Regulations, which set fees for the application for, and renewal and restoration of, a license to practice chiropractic. One of the regulations rejected in February, section 321.1, has not been resubmitted for OAL review at this writing. Section 321.1 would establish time limits for processing of licensure applications.

LEGISLATION:

AB 4387 (Bronzan) would increase the fine to not less than \$200 nor more than \$1200 for any physician, podiatrist, dentist, surgeon, chiropractor, or optometrist who is guilty of engaging in excessive prescribing or administering of drugs or treatment. This bill, which would take effect immediately as an urgency statute, is pending in the Assembly Health Committee.

SB 2565 (Keene) concerns reports filed pursuant to section 805 of the Business and Professions Code, relating to peer reviews. The measure would clarify existing law regarding immunity of hospitals, persons, or organizations for peer review actions which are required to be reported to various state agencies. The bill would establish specific procedural guidelines for professional review actions and the reporting thereof in order for immunity to attach. SB 2565 passed the Senate on May 12 and is pending in the Assembly Health Committee.

At this writing, the Board is currently contemplating further amendments to this measure. One possible amendment would require the Attorney General to participate with the Board in the prose-

cution of unlicensed activity. Another possible change would establish a peer review structure within the Board to address fee disputes.

SB 2751 (Rosenthal). Existing law provides that a person convicted of a violation of the Chiropractic Act is guilty of a misdemeanor. The punishment includes a fine of \$50-\$200 and/or imprisonment in county jail for 30-90 days. SB 2751 would increase the range of fines to \$100-\$750 and would provide for imprisonment of up to five months. The bill would also provide that license renewal shall be based on the month of the birthdate of the licensee. Existing law provides that licenses be renewed on or before January 1 every year. SB 2751 passed the Senate on May 26 and is pending in the Assembly Health Committee at this writing.

AB 4682 (Isenberg), as amended in May, would provide that holders of MD and DC degrees shall be accorded professional status of health practitioners, and would prohibit health care plans or public agencies from discriminating against the holders of those degrees with respect to employment, staff privileges, or the providing of services within their scope of practice, as specified. AB 4682 failed passage in the Assembly Health Committee on May 3, but was granted reconsideration. A June 14 committee hearing was postponed.

LITIGATION:

In *California Chapter of the American Physical Therapy Association (APTA), et al. v. California State Board of Chiropractic Examiners, et al.* (consolidated case Nos. 35-44-85 and 35-24-14), a Sacramento County Superior Court judge has overruled defendants' demurrers and denied defendants' motions to strike as to various causes of action and allegations pleaded therein, and has ordered BCE to answer the complaint. Plaintiffs challenge the Board's adoption of section 302 of its regulations, which defines the scope of chiropractic practice. (For additional information concerning this lawsuit, see CRLR Vol. 8, No. 2 (Spring 1988) p. 30; Vol. 8, No. 1 (Winter 1988) p. 36; and Vol. 7, No. 4 (Fall 1987) pp. 30 and 100.)

Board Executive Director Ed Hoefling recently informed CRLR that the Board's costs in this litigation have totalled \$217,000 in attorneys' fees alone during the 1987-88 fiscal year.

RECENT MEETINGS:

At its May 5 meeting, the Board discussed the possibility of licensees using computer programs to fulfill continuing education requirements. Dr. Reyes was appointed as Board liaison to investigate the feasibility of such a program.

Several items scheduled for discussion at the Board's July meeting included (1) whether the annual license renewal fee should be increased; and (2) whether the Board should charge a fee for exam appeals.

FUTURE MEETINGS:

September 15 in Napa.

CALIFORNIA ENERGY COMMISSION

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In 1974, the legislature created the State Energy Resources Conservation and Development Commission, better known as the California Energy Commission (CEC). The Commission's major regulatory function is the siting of power plants. It is also generally charged with assessing trends in energy consumption and energy resources available to the state; reducing wasteful, unnecessary uses of energy; conducting research and development of alternative energy sources; and developing contingency plans to deal with possible fuel or electrical energy shortages.

The Governor appoints the five members of the Commission to five-year terms, and every two years selects a chairperson from among the members. Commissioners represent the fields of engineering or physical science, administrative law, environmental protection, economics, and the public at large. The Governor also appoints a Public Adviser, whose job is to ensure that the general public and other interested groups are adequately represented at all Commission proceedings.

The five divisions within the Energy Commission are: (1) Conservation; (2) Development, which studies alternative energy sources including geothermal, wind and solar energy; (3) Assessment, responsible for forecasting the state's energy needs; (4) Siting and Environmental, which does evaluative work in connection with the siting of power plants; and (5) Administrative Services.

The CEC publishes *Energy Watch*, a summary of energy production and use