

1 BILL LOCKYER, Attorney General
of the State of California
2 FRED A. SLIMP II, State Bar No. 118693
Deputy Attorney General
3 California Department of Justice
1515 Clay Street, Suite 2000 ~ P. O. Box 70550
4 Oakland, CA 94612-0550
Telephone: (510) 622-2117
5 Facsimile: (510) 622-2121

ENDORSED FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

NOV 12 2003

GORDON PARK-LI, Clerk

BY: _____
Deputy Clerk

6 Attorneys for Defendant and Respondent,
California Board of Chiropractic Examiners
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN FRANCISCO

11 LAURENCE TAIN, D.C., DONALD NIELSEN, D.C.,
ROBERT BITTERS, D.C., STEPHANIE
12 WATTENBERG, D.C., and LORI PRESCOTT, D.C.,

13 Plaintiffs and Petitioners,

14 vs.

15 STATE BOARD OF CHIROPRACTIC EXAMINERS,
CALIFORNIA ACUPUNCTURE BOARD,
16 COUNCIL ON CHIROPRACTIC EDUCATION,
and DOES 1 to 20,

17 Defendants and Respondents.
18

Case No. CGC-03-419378

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANT AND
RESPONDENT BOARD OF
CHIROPRACTIC EXAMINERS'
MOTION FOR SUMMARY
JUDGMENT OR,
IN THE ALTERNATIVE,
SUMMARY ADJUDICATION**

Date: January 28, 2004
Time: 2:00 p.m.
Department: 502

COPY

19 Defendant and respondent California State Board of Chiropractic Examiners
20 hereby respectfully requests that the court take judicial notice of the following documents
21 pursuant to Evidence Code sections 452 and 453:

- 22 Exhibit A: Title 16, California Code of Regulations section 302.
- 23 Exhibit B: Certificate of Licensure of Lawrence Tain, D.C.
- 24 Exhibit C: Certificate of Licensure of Robert F. Bitters, D.C.
- 25 Exhibit D: Certificate of Licensure of Lori Prescott, D. C.
- 26 Exhibit E: Certificate of Licensure of Don N. Nielsen, D.C.
- 27 Exhibit F: Certificate of Licensure of Stephanie C. Wattenberg, D.C.

28 1.

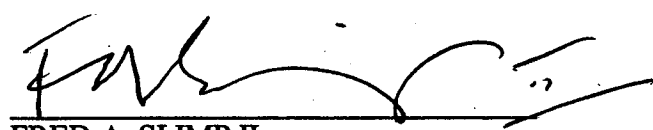
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- Exhibit G: Title 16, California Code of Regulations section 330, *et seq.*
- Exhibit H: Title 16, California Code of Regulations section 340, *et seq.*
- Exhibit I: Amendments to Chiropractic Act in 1948, 1970, 1976 and 1978.
- Exhibit J: *People v. Fowler* (1938) 32 Cal.App.2d (Supp.) 737 and *Crees v. Board of Medical Examiners* 213 Cal.App.2d 195

DATED: November 12, 2003

Respectfully submitted,

BILL LOCKYER, Attorney General
of the State of California



FRED A. SLIMP II
Deputy Attorney General

Attorneys for Defendant and Respondent
Board of Chiropractic Examiners

PROOF OF SERVICE

Page 1 of 2

CASE NAME: Laurence Tain, D.C., et al., v. State Board of Chiropractic Examiners, et al.**CASE NO.:** CGC-03-419378 in the Superior Court of California, County of San Francisco

I am employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within entitled cause; my business address is 1515 Clay Street, 20th Floor, Oakland, California 94612-1413. On November 12, 2003, I served the following document(s):

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
DEFENDANT AND RESPONDENT BOARD OF CHIROPRACTIC EXAMINERS'
MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE,
SUMMARY ADJUDICATION**

on the parties through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below for service as designated below:

- (A) **By First Class Mail:** I caused each such envelope to be placed in the internal mail collection system at the Office of the Attorney General with first-class postage thereon fully prepaid in a sealed envelope, for deposit in the United States Postal Service that same day in the ordinary course of business.
- (B) **By Certified Mail:** I caused each such envelope to be placed in the internal mail collection system at the Office of the Attorney General with first-class postage thereon fully prepaid in a sealed envelope, for deposit in the United States Postal Service that same day in the ordinary course of business.
- (C) **By Overnight Mail:** I caused each such envelope to be placed in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for.
- (D) **By Messenger Service:** I caused each such envelope to be delivered by a courier, with whom we have a direct billing account, who personally delivered each such envelope to the office of the address on the date last written below.
- (E) **By Facsimile:** I caused each such document to be served via facsimile electronic equipment transmission (fax) on the parties in this action by transmitting a true copy to the following fax numbers listed under each addressee below.
- (F) **By E-mail:** I caused each such document to be served via electronic equipment transmission (E-mail) on the parties in this action by transmitting a true copy to the following E-mail addresses listed under each addressee below.

PROOF OF SERVICE

Page 2 of 2

TYPE OF SERVICE**ADDRESSEE**

(C)

David Prescott, Esq.
Veritas Justice & Bioethics Institute
22365 El Toro Road, Suite 109
Lake Forrest, CA 92630

Attorney for
PLAINTIFFS AND PETITIONERS

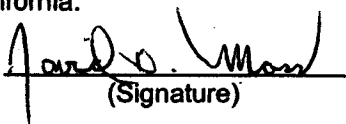
(A)

Michael J. Schroeder, Esq.
1851 East First Street, Suite 1160
Santa Ana, CA 92705

Attorney for
COUNCIL ON CHIROPRACTIC EDUCATION

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on November 12, 2003, at Oakland, California.

DAVID B. MOSS
(Typed Name)


(Signature)

1 BILL LOCKYER, Attorney General
of the State of California
2 FRED A. SLIMP II, State Bar No. 118693
Deputy Attorney General
3 California Department of Justice
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6 Attorneys for Defendant and Respondent,
California Board of Chiropractic Examiners
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN FRANCISCO
10

11 LAURENCE TAIN, D.C., DONALD NIELSEN, D.C.,
ROBERT BITTERS, D.C., STEPHANIE
12 WATTENBERG, D.C., and LORI PRESCOTT, D.C.,

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CALIFORNIA ACUPUNCTURE BOARD,
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and DOES 1 to 20,

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Case No. CGC-03-419378

**EXHIBITS IN SUPPORT OF
DEFENDANT AND
RESPONDENT BOARD OF
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MOTION FOR SUMMARY
JUDGMENT OR,
IN THE ALTERNATIVE,
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Date: January 28, 2004
Time: 2:00 p.m.
Department: 502

19 Defendant and respondent California State Board of Chiropractic Examiners,
20 pursuant to Evidence Code sections 452 and 453, hereby respectfully submits the following:

21 Exhibit A: Title 16, California Code of Regulations section 302
(attached hereto as AGO-0001 to AGO-0002);
22

23 Exhibit B: Certificate of Licensure of Lawrence Tain, D.C.
(attached hereto as AGO-0003);
24

25 Exhibit C: Certificate of Licensure of Robert F. Bitters, D.C.
(attached hereto as AGO-0004);
26

27 ///

28 ///

1.

EXHIBIT B

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/T.D. (800) 735-2929
www.chiro.ca.gov



LICENSE CERTIFICATION

LAWRENCE TAIN, D.C.)
)
)
License Number DC-9694)
)
)

I hereby certify that I am the Enforcement Assistant for the Board of Chiropractic Examiners.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that on January 1, 1962, the Board issued license number DC-9694 to Lawrence Tain and that the address of record is 8950 Villa La Jolla Drive, #C115, La Jolla, CA 92037-1747.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that said license is current and active with an expiration date of March 31, 2004.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that no prior disciplinary action has been taken against said license.

Witness My Hand and Seal of the
Board of Chiropractic Examiners
this 4th day of November 2003

Helen M. Lowry

Helen M. Lowry
Enforcement Assistant

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
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www.chiro.ca.gov



LICENSE CERTIFICATION

ROBERT F. BITTERS, D.C.)
)
)
License Number DC-12361)
_____)

I hereby certify that I am the Enforcement Assistant for the Board of Chiropractic Examiners.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that on **January 1, 1979**, the Board issued license number **DC-12361** to **Robert F. Bitters** and that the address of record is **420 Folsom Road, Roseville, CA 95678**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that said license is current and active and with an expiration date of **October 31, 2004**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that no prior disciplinary action has been taken against said license.

Witness My Hand and Seal of the
Board of Chiropractic Examiners
this 4th day of November 2003

Helen M. Lowry

Helen M. Lowry
Enforcement Assistant

Board of Chiropractic Examiners

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CA Relay Service TT/T.D. (800) 735-2929
www.chiro.ca.gov



LICENSE CERTIFICATION

LORI PRESCOTT, D.C.)
)
)
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)
_____)

License Number DC-16143

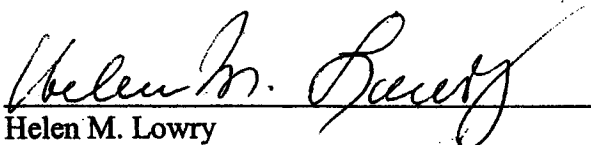
I hereby certify that I am the Enforcement Assistant for the Board of Chiropractic Examiners.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that on **January 1, 1984**, the Board issued license number **DC-16143** to **Lori Prescott** and that the address of record is **14751 Plaza Drive, Suite K, Tustin, CA 92780**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that said license is current and active and with an expiration date of **August 31, 2004**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that no prior disciplinary action has been taken against said license.

Witness My Hand and Seal of the
Board of Chiropractic Examiners
this 4th day of November 2003


Helen M. Lowry
Enforcement Assistant

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/T.D. (800) 735-2929
www.chiro.ca.gov



LICENSE CERTIFICATION

DON N. NIELSEN, D.C.)
)
)
License Number DC-18897)
_____)

I hereby certify that I am the Enforcement Assistant for the Board of Chiropractic Examiners.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that on **January 1, 1988**, the Board issued license number **DC-18897** to **Don N. Nielsen** and that the address of record is **13172 Sutton Street, Cerritos, CA 90703**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that said license is current and active and with an expiration date of **July 31, 2004**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that no prior disciplinary action has been taken against said license.

Witness My Hand and Seal of the
Board of Chiropractic Examiners
this 4th day of November 2003

Helen M. Lowry

Helen M. Lowry
Enforcement Assistant

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov



LICENSE CERTIFICATION

STEPHANIE C. WATTENBERG, D.C.)
)
License Number DC-27651)
)

I hereby certify that I am the Enforcement Assistant for the Board of Chiropractic Examiners.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that on **May 18, 2001**, the Board issued license number **DC-27651** to **Stephanie C. Wattenberg** and that the address of record is **3030 Sawtelle Boulevard, Los Angeles, CA 90066**.

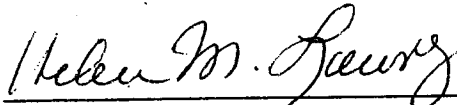
Further, I hereby certify that the records of the Board of Chiropractic Examiners show that said license is current and active with an expiration date of **June 30, 2004**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that on **October 17, 2001**, the Board issued satellite certificate number **SAT-3419** to **Stephanie C. Wattenberg** and that the address of record is **20906 Neuralia Road, California City, CA 93505**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that said satellite certificate expired on **June 30, 2002**.

Further, I hereby certify that the records of the Board of Chiropractic Examiners show that no prior disciplinary action has been taken against said license.

Witness My Hand and Seal of the
Board of Chiropractic Examiners
this 4th day of November 2003



Helen M. Lowry
Enforcement Assistant

Barclays Official
**CALIFORNIA
CODE OF
REGULATIONS**

**Title 16. Professional and
Vocational Regulations**

Division 4. State Board of Chiropractic Examiners

Vol. 21

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(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 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 board reserves the right to require any additional education or examination for reciprocity.

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

(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 1000-4(b), Business and Professions Code. Reference: Section 1000-9, Business and Professions Code.

HISTORY

1. New section filed 1-4-77; effective thirtieth day thereafter (Register 77, No. 2). For prior history, see Register 76, No. 50.

2. Amendment filed 2-15-79; effective thirtieth day thereafter (Register 79, No. 7).

3. Amendment of subsections (a) and (b) filed 7-30-87; operative 8-29-87 (Register 87, No. 32).

4. New subsection (h) filed 7-25-96; operative 8-24-96 (Register 96, No. 30).

§ 325. Denial of License Application; Issuance of Probationary License.

The board may refuse a license to any applicant for any of the grounds enumerated in Business and Professions Code Section 480. The board may, in its sole discretion, issue a probationary license to any such applicant who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

(a) Medical, psychiatric, or psychological evaluation.

(b) Continuing medical, psychiatric, or psychological treatment.

(c) Restriction of practice.

(d) Continuing participation in a board-approved rehabilitation program.

(e) Abstention from the use of alcohol or drugs.

(f) Random blood and or urine testing for alcohol or drugs.

(g) Compliance with all laws and regulations.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii). Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii).

HISTORY

1. New section filed 11-2-99; operative 12-2-99 (Register 99, No. 45).

§ 326. Criteria for Rehabilitation.

(a) When considering the denial of a license, the Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:

(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license on the grounds that a licensee has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his or her present eligibility for a license, will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii). Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii).

HISTORY

1. New section filed 7-7-2003; operative 8-6-2003 (Register 2003, No. 28).

Article 4. Approved Schools and Qualifications of Applicants

§ 330. Application for Approval.

An application for approval on a form provided by the Board, shall be filed with the Board at its principal office in Sacramento and addressed to the Secretary of the State Board of Chiropractic Examiners. Such application shall be on file at least six months prior to any inspection.

NOTE: Authority cited for Article 4 (Sections 330-331.16): Sections 4(b) and 4(f), Chiropractic Initiative Act (Stats. 1923, p. lxxxviii). Reference: Sections 4(b) and 4(f), Chiropractic Initiative Act.

HISTORY

1. Repealer of Article 4 (Sections 330-331.17) and new Article 4 (Sections 330-331.16) filed 12-10-76; effective thirtieth day thereafter (Register 76, No. 50). For prior history of Article 4, see Register 55, No. 16, and Register 65, No. 24.

§ 331.1. Approval and Eligibility.

(a) A school which initially meets the requirements of these rules shall be first provisionally approved. No school will be finally approved until a provisional program has been in operation for at least two years.

(b) No school shall be provisionally approved until it shall present competent evidence of its organizational and financial ability to attain the minimum educational requirements set forth by these rules and institutional goals set forth in its application.

(c) No school shall be provisionally approved unless there is a reasonable need for such school in the geographical area in which it is proposed to locate.

(d) No school shall be provisionally approved until competent evidence of compliance with the requirements of Section 29023(a)(2) of the Education Code is filed with the Board.

§ 331.2. Inspection and Survey.

(a) No school shall be approved, provisionally or finally, until it has been inspected by the Board or its duly authorized representative, including but not limited to the Council on Chiropractic Education, and is found to be in compliance with the rules herein set forth.

(b) Each school shall permit to the Board or its authorized representatives unhampered opportunity to inspect the school's facilities, interview its entire faculty and management, examine student, teaching, grading, performance and graduation records, and inspect and audit, for cause, at the school's expense, the financial and corporate records.

§ 331.3. Supervision.

(a) Every approved school shall be under the supervision of a full-time president, dean, or other executive officer who shall carry out the objective and program of the school. Said officer shall have a minimum of two years experience in school administration prior to his appointment, or its equivalent in training.

(b) The president, dean, or other executive officer shall render a report annually, covering topics such as student enrollment, number and changes in faculty and administration, changes in the curriculum, courses given, and the projections for future policy. Said annual report shall be filed with the Board within one month following the end of the academic year.

(c) It shall be the duty of the president, dean, or other executive officer to obtain from each faculty member, prior to the beginning of the semester or school year, an outline and time schedule for each subject of the course. He shall approve such outlines and determine from time to time

if they are being observed. A copy of this outline and a schedule of classes, showing the day and hour of presentation and the instructor shall be filed with the Board within three (3) weeks after the beginning of the term.

(d) The dean shall maintain a record of the teaching load of each member of the staff in terms of classes taught, supervision, student counseling, committee work, and other assigned activities.

(e) A permanent file of all class schedules, beginning with those as of the date of the school's approval shall be maintained by the dean. These shall be available for inspection and comparison with the courses described in the relative catalogs.

(f) Schedules must be kept up to date and posted on a bulletin board available for student inspection.

§ 331.4. Financial Management.

The college shall keep accurate financial records and shall file an annual financial report including a profit and loss statement as well as an asset and liability statement prepared and signed by a qualified accountant. Said financial report shall be filed with the Board within three (3) months following the end of the school's fiscal year.

§ 331.5. Records.

There shall be maintained a good system of records, showing conveniently and in detail, the attendance, discipline, grades and accounts of the students, by means of which an exact knowledge can be obtained regarding each student's work. A personal file must be maintained for each student containing his admission credentials, photographs and other identifying personal items. Fireproof storage must be provided for the safekeeping of records.

§ 331.6. Catalog.

The school shall issue, at least biennially, a catalog setting forth the character of the work which it offers, and said catalog shall be filed with the Board. The content and format shall follow the usual pattern of professional school catalogs, and shall contain the following information:

(a) A list of its trustees, president, dean and other administrative officers and members of the faculty with their respective qualifications;

(b) Courses set forth by department, showing for each subject its content, value in term, semester hours, or credit hours;

(c) Entrance requirements, conditions for academic standing and discipline, such as attendance, examinations, grades, promotion and graduation;

(d) Matriculation, tuition, laboratory, graduation and special fees, and estimated costs of books, instruments, dormitory and board; and

(e) Descriptions of the library, audio-visual facilities, laboratories and clinic facilities setting forth at least the minimum requirement hereinafter set forth in rules.

(f) No school will be accepted or retained in good standing which publishes in its catalog or otherwise, any misrepresentation regarding its curriculum, faculty or facilities for instruction.

§ 331.7. Calendar.

Each school may elect to use the semester, trimester or four-quarter term system.

A school calendar shall designate the beginning and ending dates of terms or semesters, the vacation periods and legal holidays observed, and the dates for semester and final examinations. The recitation or lecture period shall be not less than 50 minutes in length. The school may operate on a five or six-day week or any combination thereof, but the total number of hours of instruction shall be not less than 30 hours nor more than 35 hours per week. The total number of hours provided for each complete student's course, leading to the degree of Doctor of Chiropractic, shall be not less than 4,400 hours distributed over four academic years of nine months each.

§ 331.8. Faculty.

All faculty members shall meet the standards of the Council on Chiropractic Education.

HISTORY

1. Repealer and new section filed 8-18-77; effective thirtieth day thereafter (Register 77, No. 34).

§ 331.9. Student Faculty Ratio.

(a) The full-time equivalent student-faculty ratio shall be at least one full-time professor to every fifteen (15) students enrolled in the school.

(b) A full-time professor is one who devotes a minimum of 38 hours per week to his academic duties.

(c) The maximum enrollment for any class in laboratory or clinical work shall be limited to the number which may, by Board standards, sufficiently be trained with the equipment and facilities available in such laboratory clinic.

(d) All classes and laboratory sessions, including clinics, shall be conducted under the presence and supervision of a full-time professor.

(e) There shall be one instructor for each twenty-five (25) students in the laboratory and/or clinic courses.

[The next page is 47.]

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§ 331.10. Faculty Organization.

(a) A faculty shall be organized by departments. Regularly scheduled meetings of the full faculty shall be had to provide a free exchange of ideas concerning:

- (1) The content and scope of the curriculum;
- (2) The teaching methods and facilities;
- (3) Student discipline, welfare and awards;
- (4) Faculty discipline and welfare;
- (5) Committee reports and recommendations;
- (6) Recommendations for the promotion and graduation of students;
- (7) Administration and educational policies; and
- (8) Recommendations to the administrative officers and to the trustees.

(b) The dean shall appoint the following standing committees of which he shall be a member *ex officio*: admissions and credentials, curriculum, clinic, laboratories, library and examinations, grades and records.

§ 331.11. Scholastic Regulations.

(a) Admission.

(1) Each school shall have a committee on admissions and credentials. The admission of students shall be in the hands of a responsible officer who is a member of the committee and his decision shall be subject to the approval of the committee.

(2) No applicant shall be admitted to any school until he has been personally interviewed for the purpose of determining his character, scholastic aptitude, mental and physical fitness to study and practice. When a great geographic distance precludes personal interview, the same information, supported by affidavits and photographs, may be substituted for the personal interview.

(3) Documentary evidence of preliminary education must be obtained and kept on file. All transcripts of other schools must be obtained directly from such schools.

(4) It is strongly recommended by the Board that an entrance examination compiled and administered by recognized testing agencies (e.g., A.C.T., S.A.T.) be required of all students prior to matriculation in order to prove their ability to do college level work.

(b) Date of Matriculation. No student shall be matriculated at a later date than one week immediately following the advertised date of the commencement of the school term.

(c) Qualifications of Students. No student shall be matriculated in an approved school unless he is of good moral character and is without major physical deficiencies, except as provided in Section 8.1 of the Act.

(d) Professional Education. Students shall not be matriculated in any school approved by the board unless they possess, and submit to the school upon their application for matriculation, either:

(1) A diploma from a standard high school or other institution of standard secondary school grade evidencing completion by the student of a four (4) year course, or

(2) A certificate from the board stating that the student has submitted proof, satisfactory to the board, of education equivalent in training power to a high school course. The certificate shall bear a date prior to the applicant's matriculation date in any school approved by the board.

(3) A student who seeks admission in any school approved by the Board after November 3, 1976, shall be subject to the following: The candidate must have completed, with a satisfactory scholastic record, at least 60 semester hours or an equivalent number of quarter hours in prechiropractic subjects at a college listed in the U.S. Office of Education "Education Directory—Higher Education." The specific prechiropractic subjects and hour requirements shall be in accordance with the standards adopted by the Council on Chiropractic Education.

(e) Advanced Standing.

(1) Applicants for admission to advanced standing shall be required to furnish evidence to the school:

(A) That they can meet the same entrance requirements as candidates for the first year class;

(B) That courses equivalent in content and quality to those given in the admitting school in the year or years preceding that to which admission is desired have been satisfactorily completed;

(C) That the work was done in a chiropractic college acceptable to the committee on admissions of the college; and

(D) That the candidate has a letter of recommendation from the dean of the school from which transfer is made.

(2) Credits for work done in colleges of liberal arts and sciences will be allowed based on the regulations of the Council on Chiropractic Education.

(3) Credits for basic science subjects on the professional level shall be in accordance with the provisions of the regulations of the Council on Chiropractic Education.

(4) A student desiring to re-enter the college after a lapse in attendance of one or more years shall fulfill the entrance requirements applying to the class which he seeks to enter. Students whose education was interrupted by service in the armed forces are exempt from this requirement.

(5) For all such students admitted to advance standing there will be, therefore, on file with the registrar the same documents as required for admission to the first-year class and in addition a certified transcript of work completed, together with a letter of honorary dismissal from the college from which transfer was made.

(6) No candidate for a degree shall be accepted for less than one full academic year of resident study.

(f) Attendance. In order to obtain credit for a course, a student shall have been present in class at least 90 percent of the time and shall have received a passing letter grade. When the absence exceeds 10 percent, the student shall be automatically dropped from the class. If the absences have been due to illness or other excusable reasons and if evidence of these reasons can be submitted, the student may apply for readmission through the dean's office and may be given credit for attendance upon the recommendation of his instructor and completion of course requirements.

Students shall be required to spend the last academic year of the course in residence in the college which confers the degree.

(g) Promotion.

(1) Promotion from one school term to another should be by recommendation of the instructors and consent of the committee on credentials or other similar committee. The decision should be based upon careful evaluation of the student's attendance, application, conduct and grades in quizzes and examinations. In other words, the final standing of the student in each subject shall be based upon the composite judgment of the responsible instructors in that department, and not solely upon the result of written examinations.

(2) A student failing in any subject in a school term should be required to repeat the subject.

(h) Requirements for Graduation. The requirements for admission to the school shall have been fulfilled and the candidate, in addition to scholastic qualitative requirements, shall have completed a minimum quantitative requirement of 4,400 hours of instruction in four academic years of nine months each. The last year shall have been spent in the school granting the degree. The candidate shall have complied with all the regulations of the school and be recommended for the degree by the faculty.

(i) Special (Graduate of An Approved Chiropractic School) or Unclassified Subject. Persons so registered may not be a candidate for a degree. If they desire to become candidates, they shall satisfy the usual requirements for admission as well as the degree requirement. No work done under this classification will be accepted for credit beyond 90 days from the date of matriculation. Holders of a valid chiropractic degree are exempt from this requirement.

(j) Degree. The degree conferred for completion of professional undergraduate work shall be Doctor of Chiropractic (D.C.).

NOTE: Authority cited: Section 4(b), Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii). Reference: Sections 4(b) and 5, Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii).

AGO-0011

HISTORY

1. New subsection (d)(3) filed 8-19-77; effective thirtieth day thereafter (Register 77, No. 34).
2. Amendment of subsection (e)(3) filed 6-20-78; effective thirtieth day thereafter (Register 78, No. 25).
3. Amendment of subsection (e)(2) filed 12-12-78; effective thirtieth day thereafter (Register 78, No. 50).
4. Amendment of subsection (d) filed 9-6-79; effective thirtieth day thereafter (Register 79, No. 36).
5. Amendment of subsection (d)(3) filed 2-5-80; effective thirtieth day thereafter (Register 80, No. 5).

§ 331.12.1. Curriculum.

All applicants for the Board Examination who matriculated into a chiropractic college prior to the passage of Proposition 15 (November 3, 1976) shall fulfill the requirements of this section.

(a) **Course of Study.** The school shall have established curriculum which indicates objectives, content and methods of instruction for each subject offered.

(b) **Required Hours and Subjects.** The school shall offer, and shall require for graduation, a course of not less than 4,000 academic hours extended over a period of four school terms of not less than nine months each. Such course shall include the minimum educational requirements set forth in Section 5 of the Act. The minimum number of hours required in the basic subjects shall be as follows:

Anatomy including embryology (minimum of 480 hours), histology (minimum of 160 hours), and dissection (minimum of 160 hours)	800 hours
Physiology	320 hours
Biochemistry, inorganic and organic chemistry	320 hours
Pathology (minimum of 280 hours), bacteriology (minimum of 160 hours), and toxicology (minimum of 40 hours)	480 hours
Public health, hygiene and sanitation, and first aid	120 hours
Diagnosis (minimum of 480 hours), pediatrics (minimum of 40 hours), psychiatry (minimum of 40 hours), dermatology, syphilology and serology (minimum of 40 hours), and X-ray (minimum of 120 hours)	720 hours
Obstetrics and gynecology	120 hours
Principles and practice of chiropractic (minimum of 960 hours), physiotherapy (minimum of 120 hours), and dietetics (minimum of 40 hours)	1,120 hours

(c) **Subject Presentation.** Laboratory teaching with actual student participation must be included in anatomy, dissection, histology, chemistry, physiology, bacteriology, pathology.

The classes shall be presented in a proper sequence so that the normal shall be presented first before the abnormal is to be considered (i.e., the student must learn anatomy, chemistry and physiology before he is taught pathology and diagnosis). The subject presentation should be of a nature and depth comparable to that found at State colleges in equivalent courses.

ANATOMY: Includes gross anatomy, dissection, embryology, and histology with particular emphasis on neurology.

PHYSIOLOGY: To include the physiology of blood and lymph, circulation, respiration, excretion, digestion, metabolism, endocrines, special senses and nervous system.

CHEMISTRY: To include inorganic and organic chemistry, physical chemistry, the chemistry of foods, digestion and metabolism.

PATHOLOGY AND BACTERIOLOGY: Pathology to include general and special pathology. Bacteriology to include parasitology and serology.

PUBLIC HEALTH AND HYGIENE AND SANITATION: To include sanitary and hygienic procedures, First Aid, prevention of disease and Public Health Department regulations.

DIAGNOSIS: To include physical, clinical, laboratory and differential diagnosis; pediatrics, geriatrics, dermatology, syphilology, psychology, psychiatry and roentgenology (technique and interpretation).

OBSTETRICS AND GYNECOLOGY: To include the standard routine diagnostic procedures, and clinical and laboratory examinations.

PRINCIPLES AND PRACTICE OF CHIROPRACTIC, DIETETICS, PHYSIOTHERAPY, AND OFFICE PROCEDURE: To include

history and principles of chiropractic, spinal analysis, adjustive techniques and orthopedics.

NUTRITION: To include dietetics and clinical nutrition, including primary and secondary nutritional deficiencies.

PHYSIOTHERAPY: To include the theory, principles and use of the standard recognized physiotherapy equipment and procedures.

OFFICE PROCEDURE: To include private office and case management, the writing and completion of reports and forms for insurance claims, and the provisions, rules and regulations of the Chiropractic Act.

(d) **Additional Hours and Subjects.** The school, if it desires, may offer and may require for graduation, course of more than 4,000 hours. Such additional hours may be in elective subjects.

(e) **Clinics.** Each student shall be provided with actual clinical experience in the examining, diagnosing, and treatment of patients. Said clinical experience shall include spinal analysis, palpation, chiropractic philosophy, symptomatology, laboratory diagnosis, physical diagnosis, X-ray interpretation, postural analysis, diagnostic impressions, and adjusting of various articulations of the body, psychological counseling, dietetics and physical therapy. Individual case files on each patient together with a record of dates and treatments given and student treating shall be kept and available to the board for inspection.

HISTORY

1. Amendment filed 2-27-78; effective thirtieth day thereafter (Register 78, No. 9).

§ 331.12.2. Curriculum.

All applicants for licensure shall be required to comply with this section in order to qualify for a California chiropractic license.

(a) **Course of Study:** Every school shall have a curriculum which indicates objectives, content and methods of instruction for each subject offered.

(b) **Required Hours and Subjects:** Each applicant shall offer proof of completion of a course of instruction in a Board-approved chiropractic college of not less than 4,400 hours which includes minimum educational requirements set forth in Section 5 of the Act. The course of instruction completed by the applicant shall consist of no less than the following minimum hours, except as otherwise provided:

Group I	Anatomy, including embryology, histology and human dissection	616 hours
Group II	Physiology (must include laboratory work)	264 hours
Group III	Biochemistry, clinical nutrition, and dietetics	264 hours
Group IV	Pathology, bacteriology, and toxicology	440 hours
Group V	Public health, hygiene and sanitation, and emergency care	132 hours
Group VI	Diagnosis, including E.E.N.T. and serology, dermatology and sexually transmitted diseases, geriatrics, X-ray interpretation, and neurology	792 hours
Group VII	Obstetrics, gynecology, and pediatrics	132 hours
Group VIII	Principles and practice of chiropractic to include chiropractic technique, chiropractic philosophy, orthopedics, X-ray technique, and radiation protection	430 hours
	Clinic, including office procedure	518 hours
	Physiotherapy	120 hours
	Psychiatry	32 hours
Electives		660 hours
Total		4,400 hours

(c) **Subject Presentation:** Laboratory teaching with actual student participation shall be included in human dissection, histology, chemistry, physiology, bacteriology, pathology, X-ray and physiotherapy. Each school shall have and use at least one phantom or equivalent equipment for X-ray class and other courses as may be necessary for adequate teaching.

Classes shall be presented in proper academic sequence. Each student shall be taught micro and gross anatomy, human dissection, and physiology before pathology; biochemistry before or concurrent with physiology; and diagnosis before or concurrent with the study of pathology. Clinic hours shall be taken only after a student completes all hours in or concurrently with diagnosis.

(1) **ANATOMY:** To include gross anatomy, human dissection, embryology and histology.

(2) **PHYSIOLOGY:** To include the physiology of blood and lymph, circulation, respiration, excretion, digestion, metabolism, endocrines, special senses and nervous system.

(3) **BIOCHEMISTRY AND NUTRITION:** Biochemistry to include the chemistry of foods, digestion, and metabolism. Nutrition to include dietetics and clinical nutrition in the prevention and treatment of illnesses.

(4) **PATHOLOGY AND BACTERIOLOGY:** Pathology to include general and special pathology. Bacteriology to include parasitology and serology.

(5) **PUBLIC HEALTH, HYGIENE, SANITATION AND EMERGENCY CARE:** To include sanitary and hygienic procedures, First Aid, minor surgery, prevention of disease, and Public Health Department regulations.

(6) **DIAGNOSIS:** To include physical, clinical, laboratory and differential diagnosis; E.E.N.T., geriatrics, serology, dermatology, syphilology, roentgenology (technique and interpretation) and the rules and regulations of the Radiologic Technology Certification Committee of the State Department of Health Services.

(7) **OBSTETRICS, GYNECOLOGY AND PEDIATRICS:** To include the standard routine diagnostic procedures and clinical and laboratory examinations.

(8) **PRINCIPLES AND PRACTICE OF CHIROPRACTIC, DIETETICS, PHYSIOTHERAPY, AND OFFICE PROCEDURE:** To include history and principles of chiropractic, spinal analysis, adjustive technique of all articulations of the body, orthopedics and patient counseling in curriculum subject matters.

(9) **PHYSIOTHERAPY:** To be eligible for licensure, each applicant must furnish proof satisfactory to the Board of successful completion of the required 120 hours of physiotherapy course work and additional clinical training in which the theory, principles and use of the standard recognized physiotherapy equipment and procedures were demonstrated to and used by the applicant. This shall include a minimum of thirty (30) patient office visits in which physiotherapy procedures are performed by the student on their own clinic patients. If physiotherapy course work is not offered by the chiropractic college where the student matriculated, the required instruction and clinical training in physiotherapy may be completed at another Board-approved chiropractic college, provided such course is a regular credit course offered primarily to matriculated students.

Physiotherapy course work not completed prior to graduation from chiropractic college may be fulfilled by course work taken subsequent to graduation at a Board-approved chiropractic college in conjunction with clinical training in physiotherapy offered by that college. Such course work and clinical training must be regular credit course work and clinical training offered primarily to matriculated students.

(10) **OFFICE PROCEDURE:** To include private office and case management, the writing and completion of reports and forms for insurance claims, and the provisions, rules and regulations of the Chiropractic Act, and the Radiologic Technology Certification Committee of the State Department of Health Services.

(d) **Additional Hours and Subjects:** It is recommended that a school offer elective subjects, including chiropractic meridian therapy, counseling, hypnotherapy and biofeedback. The school may offer and require for graduation courses of more than 4,400 hours.

(e) **Clinics:** Each student shall be provided with actual clinical experience in the examining, diagnosing, and treatment of patients. Such clinical experience shall include spinal analysis, palpation, chiropractic philosophy, symptomatology, laboratory diagnosis, physical diagnosis, X-ray interpretation, postural analysis, diagnostic impressions, and adjusting of various articulations of the body, psychological counseling and dietetics. Individual case files on each patient together with a record of dates and treatments given and student treating shall be kept and available to the board for inspection.

Clinical hours, as described in this section, including those relating to physiotherapy, must be completed in a clinic operated or supervised by a chiropractic college.

Each student shall be required to complete, as a minimum for graduation, the following:

(1) Twenty-five (25) physical examinations of which at least ten (10) are of outside (not student) patients.

A physical examination shall include an evaluation of all vital signs, case history, orthopedic and neurological testing.

Students shall also have practical clinical laboratory training, including twenty-five (25) urinalyses, twenty (20) complete blood counts (CBCs), ten (10) blood chemistries, and thirty (30) X-ray examinations. Students shall perform ten (10) proctological and ten (10) gynecological examinations. Proctological and gynecological examinations may be performed on a phantom approved by the Board. Gynecological and proctological examinations not completed prior to graduation may be completed after graduation at a Board-approved chiropractic college.

(2) Students shall perform a minimum of two hundred and fifty (250) patient treatments (visits), including diagnostic procedures, chiropractic adjustive technique and patient evaluation.

(3) Written interpretation of at least thirty (30) different X-ray views, either slide or film, while a senior in the clinic, in addition to other classroom requirements which shall include the spinal column, all other articulations of the body, and soft tissue.

(4) Minimum of five hundred eighteen (518) hours of practical clinical experience (treating patients in the clinic).

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxvii). Reference: Section 1000-4(g) and 5, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxvii).

HISTORY

1. Repealer and new section filed 8-19-77; effective thirtieth day thereafter (Register 77, No. 34).
2. Renumbering of Section 331.12.3 to Section 331.12.2 and amendment filed 2-27-78; effective thirtieth day thereafter (Register 78, No. 9). For history of former Section 331.12.2, see Register 76, No. 50.
3. Amendment of subsection (e) filed 6-4-80; effective thirtieth day thereafter (Register 80, No. 23).
4. Amendment filed 4-17-2001; operative 5-17-2001 (Register 2001, No. 16).
5. Amendment of subsection (e)(1) and amendment of NOTE filed 9-10-2002; operative 10-10-2002 (Register 2002, No. 37).

§ 331.12.3. Eligibility to Take Board Examination.

To be eligible to take the board examination, each applicant for licensure must furnish proof satisfactory to the Board of meeting all licensure requirements.

NOTE: Authority cited: Section 4(b) and 4(g) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii). Reference: Section 5 of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii).

HISTORY

1. New section filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Renumbering of Section 331.12.4 to Section 331.12.3 and amendment filed 2-27-78; effective thirtieth day thereafter (Register 78, No. 9).
3. Amendment of subsection (a) filed 6-20-78; effective thirtieth day thereafter (Register 78, No. 25).
4. Repealer filed 7-16-79; effective thirtieth day thereafter (Register 79, No. 29).
5. New section filed 4-17-2001; operative 5-17-2001 (Register 2001, No. 16).

§ 331.13. Physical Facilities.

(a) **General:** Each school shall own, or enjoy the assured use of a physical plant large enough to accommodate classrooms, lecture rooms, laboratories, a clinic, a library and administrative and faculty offices. Each school shall meet and maintain the standards and requirements established by or under the authority of the laws of the State of California governing educational institutions and all applicable city and county ordinances wherein the school is located and shall maintain competent evidence of such compliance, for examination by the Board.

(b) **Administrative Offices:** The administrative offices shall provide adequate office space for faculty members.

There shall be space available for faculty conferences.

All furnishings shall be serviceable and functional and there shall be sufficient office equipment, subject to Board approval, to efficiently manage the business of the school.

There shall be fireproof storage for all records and documents required by the Chiropractic Initiative Act, statute, or regulations.

All administrative offices shall meet the standards and requirements incorporated by subparagraph (a) above.

(c) Classrooms: There shall be sufficient number and size of classrooms to separately accommodate the graded classes in 1st, 2nd, 3rd and 4th year classes. No two or more subjects shall be taught in the same classroom simultaneously. No two or more student classes (1st, 2nd, 3rd and 4th year) shall be taught in the same classroom simultaneously. Classrooms shall be located where there is quiet and freedom from interruption and distraction.

All classrooms shall be furnished with audio-visual aids appropriate to the subject matter being taught, and desks and chairs or tablet arm-chairs. There shall be effective shades to darken rooms equipped with visual projection apparatus.

All classrooms shall meet the standards and requirements incorporated by subparagraph (a) above.

(d) Laboratories: Laboratories shall be well lighted and ventilated and shall be equipped for the practical work in human dissection, histology, chemistry, physiology, bacteriology, pathology, laboratory diagnosis, roentgenology, physiotherapy and chiropractic technique.

Anatomy and pathology laboratories shall contain standard equipment. No more than ten (10) students shall be assigned per table. Sinks should be equipped with wrist action or foot pedal valves, and supplied in a sufficient number. Human cadavers and specimens for individual and small group demonstrations shall be supplied. If human cadavers are not available, or state law prohibits their use, schools must obtain prior written approval from this Board.

Microscopic laboratories shall have one microscope and one desk light for each two (2) students in the class.

Chiropractic technique laboratories shall be equipped with one chiropractic adjusting table for every four (4) students in the class.

Actual student experience with X-ray phantom or equivalent for all areas of the body shall be necessary.

Additionally, all laboratories shall meet the standards and requirements incorporated in subparagraph (a) above.

(f) Teaching Aids and Equipment: For the subject of physiotherapy there shall be sufficient generally recognized equipment for classroom and clinic purposes (to include sine galvanic, ultrasound, diathermy, ultraviolet, heat, cold, percussion, and transaction). For the practical work and physical diagnosis students shall be required to own the ordinary and usual diagnostic instruments, including, but not limited to, thermometers, stethoscopes, sphygmomanometers, oto-ophthalmoscope examination sets, and orthopedic-neurological examination instruments. Each school shall own and teach the use of the current standard diagnostic instruments and a list of same shall be made available to the Board upon request. For classroom demonstration and visual education aids, each school shall own charts, mannequins, skeletons, bone collections, anatomical and embryological models, stereopticons, balopticons, micro-projections, and video players or similar projection equipment. The film and slide library shall be constantly augmented by the addition of new material.

(g) Library: A library shall be provided for the use of the student body. The minimum requirements for a library are:

(1) Operation of the library shall be under the direct supervision of a full-time librarian holding a degree in library science.

(2) The library shall be open to students a minimum of eight (8) hours per day. It shall have room available for study purposes to accommodate at least ten (10) percent of the enrolled students at one time. Hours shall be posted.

(3) The library volumes shall be cataloged, using a generally accepted system.

(4) The library shall consist of a minimum of 5,000 volumes of which 2,000 shall be less than ten years of age. Only cataloged scientific volumes which are of interest to the published curriculum of the school can

be counted as library volumes. Unbound journals and periodicals shall not be counted in determining compliance with this rule.

(5) Each school shall conduct a program of student orientation as to the use of the library and class assignments involving the use of the library.

(h) Clinic: Each school shall operate a general out-patient clinic where the senior students will obtain actual experience, practical knowledge and skill in:

(1) Diagnosis, including physical examination, palpation, spinal analysis, clinical pathological, laboratory findings, X-ray, and tentative and working diagnoses.

(2) Adjustive technique, dietetics, and psychotherapy for the care or prevention of disease in accordance with Section 7 of the Act.

Such a clinic shall at all times be under the supervision of a clinician who meets the standards of the Council on Chiropractic Education.

The minimum requirements of a clinic are:

(A) A reception room with a minimum seating capacity for ten (10) persons.

(B) A minimum of five (5) patient dressing rooms that are equipped with at least curtains to ensure privacy.

(C) An administration area wherein at least one full-time secretary shall be located and patient files shall be maintained.

(D) A minimum of one (1) office for each faculty member supervising the clinic with a minimum of two (2) such offices.

(E) Separate lavatories for men and women with a minimum of one (1) each.

(F) A minimum of one (1) physical examination room for every ten (10) students concurrently present and enrolled in the clinic.

(G) A minimum of one (1) chiropractic adjusting table for every five (5) students performing adjustments on clinic patients with a minimum of five (5) such tables.

(H) A minimum of one (1) X-ray examination room that is equipped with at least one (1) X-ray machine that has a capacity of no less than 125 KV plus 300 M.A. There shall also be an X-ray developing room that is equipped with the appropriate and necessary film processing equipment as required by the Board. This room may be an area within the X-ray procedure room or shall be located in the immediate area in the same building of such X-ray procedure room. A list of minimal X-ray equipment which shall be used must be obtained from the Board.

(I) A lab room equipped with a sterilization facility, unless waived in writing by the Board.

(J) In addition to the requirements of section 331.12(e), each student's work, conduct, reliability and personality shall be evaluated in writing by his or her supervising teacher and such evaluation shall become a part of the student's record and shall be available for inspection by the Board.

(i) Operation and Maintenance of the Physical Plant. In addition to the requirement of subparagraph (a) above, each school shall operate and maintain all physical equipment in good repair.

Lockers shall be available for student use.

HISTORY

1. Amendment of subsection (h)(2) filed 8-19-77; effective thirtieth day thereafter (Register 77, No. 34).
2. Amendment of subsection (h)(2) filed 8-29-77 as an emergency; designated effective 9-18-77. Certificate of Compliance included (Register 77, No. 34).
3. Amendment filed 4-17-2001; operative 5-17-2001 (Register 2001, No. 16).

§ 331.14. Quality of Instruction.

Nothing herein contained shall constitute any limitation or restriction upon the power of the Board to refuse to approve, or to disapprove, any school if in the opinion of the Board the quality of instruction is not sufficiently high to meet the objective of the State Chiropractic Act or these rules.

§ 331.15. Violations or Failure to Comply:

(a) Any violation of these rules, or failure to comply with them, shall be grounds to revoke approval of any school, and to refuse approval to any school, or to any applicant.

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**Title 16. Professional and
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Division 4. State Board of Chiropractic Examiners

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(b) If any school provisionally approved or approved by the Board undergoes fundamental changes in its administration, organization or stated objectives, provisional approval or approval shall be suspended until such time as the Board again appraises the institution.

Such changes include but are not limited to change in ownership of the school or its assets or noncompliance with Section 29032(a)(2) of the Education Code.

(c) In the event an approved school or a school applying for provisional approval fails to maintain or meet the required standards, the institution will be given a bill of particulars and granted 60 days to comply; in the event such corrections are not made within said time, the institution will be removed from the approved list or denied provisional approval.

(d) Institutions rejected or removed from the approved list may apply for reconsideration or reinstatement in accordance with Rule 331.

§ 331.16. Definition of Board.

Whenever the Board is used in this article, it shall mean the Board of Chiropractic Examiners unless otherwise indicated.

Article 5. Examinations

§ 340. Examinations.

The examination shall be administered a minimum of two (2) times each year. It shall be held in a location accessible to the applicants; and it shall be administered in a manner which maintains the validity and reliability of the examination, and provides on-site anonymity to the applicants. The examination shall be conducted in a manner to assure a reasonable expectation of the fair and impartial evaluation of the applicants' knowledge, and their ability to practice chiropractic in the best interests of the public health and welfare.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code. Reference: Section 1000-6(c), Business and Professions Code.

HISTORY

1. Renumbering of Article 6 (Sections 355 through 366) to Article 5 (Sections 340 through 351) filed 1-31-72; effective thirtieth day thereafter (Register 72, No. 6). For prior history see Registers 65, No. 24, and 68, No. 2. For history of former Article 5, see Register 55, No. 16.
2. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
3. Repealer and new section filed 7-30-87; operative 8-29-87 (Register 87, No. 32).

§ 341. Other Articles Forbidden.

During the examination, no applicant will be permitted to have in his possession any paper or object other than the examination questions, examination paper, pencil supplied by the board, and a watch. Further, an applicant is forbidden from wearing any jewelry which includes rings, tie clasps, belt buckles and bracelets which identifies an applicant with a particular chiropractic association, philosophy, or school.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code. Reference: Section 1000-6(c), Business and Professions Code.

HISTORY

1. Repealer of former Section 341, and renumbering and amendment of Section 344 to Section 341 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 79, No. 7.

§ 342. Conduct During Examination.

No applicant will be permitted to communicate in any way with any other applicant, nor will he be permitted to question any examiner in reference to or interpretation of the questions under consideration. Applicants must rely solely upon their own judgment as to the meaning of each question, and on their own knowledge of the subject in answering. Any disturbance on the part of the applicant will disqualify said applicant and he will be required to leave the examination room.

NOTE: Authority cited: Sections 1000-4(b), 1000-4(e), Business and Professions Code. Reference: Sections 1000-4(c) and 1000-6(c), Business and Professions Code.

HISTORY

1. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Repealer of former Section 342, and renumbering and amendment of Section 345 to Section 342 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 79, No. 7.

§ 343. Basis of Questions.

All examination questions shall be with respect to the subject listed in Groups 1 to 8, inclusive, set forth in Sections 331.12.1, 331.12.2, and 331.12.3 of these rules. They shall be based upon material contained in standard textbooks approved by the board.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code. Reference: Sections 1000-5 and 1000-6(c), Business and Professions Code.

HISTORY

1. Repealer of former Section 343, and renumbering and amendment of former Section 346 to Section 343 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 79, No. 7.

§ 344. Cheating.

Any person, who upon good cause shown, is suspected of cheating shall be ousted from the examination and, upon a finding that said person did, in fact, cheat on that exam, said person will be denied further examination for a period of at least one year thereafter. Notice of such action against an individual caught cheating shall be submitted to all state chiropractic boards.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code. Reference: Sections 1000-4(c) and 1000-6(c), Business and Professions Code.

HISTORY

1. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Renumbering and amendment of former Section 344 to Section 341, and renumbering and amendment of Section 347 to Section 344 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 79, No. 7.

§ 345. Retention of Papers.

Examination papers will be retained by the board for one year and destroyed at the end of that time.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code. Reference: Sections 1000-4(c) and 1000-6(c), Business and Professions Code.

HISTORY

1. Renumbering and amendment of former Section 345 to Section 342, and renumbering and amendment of former Section 348 to Section 345 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 79, No. 7.

§ 346. Interpretation of Part of Section 6(c) of the Act.

The board makes the following interpretation of that part of Section 6(c) of the Act which states that:

"Any applicant failing to make the required grade shall be given credit for the branches passed, and may, without further costs, take the examination at the next regular examination on the subjects in which he failed."

Candidates are considered to have failed a subject if they receive a grade in that subject of less than seventy-five percent (75%).

If first-time applicants, or retake applicants considered as first-time applicants by this section, having taken the examination and failed to receive the grade as required in Section 6(c),

(a) do not take the examination in the failed branches as required by the board, at the next regular examination, or

(b) fail to obtain grades sufficient to bring the general average to at least seventy-five percent (75%), or receives less than sixty percent (60%) in more than two subjects in which examined (grades in the subjects credited the previous examination are to be included in determining such general average), or

(c) fail to receive a 75 percent (75%), or better, on each part of the practical examination, then the credit allowed in the branches passed in the first examination shall lapse.

If, thereafter, candidates desire to reapply, they shall renew their application together with an additional application license fee, and shall be ex-

amined in the same manner and to the same extent as though they had not previously taken any examination.

NOTE: Authority cited: Sections 1000-4, 1000-6 and 1000-10, Business and Professions Code. Reference: Section 1000-6(c), Business and Professions Code.

HISTORY

1. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Renumbering and amendment of former Section 346 to Section 343, and renumbering and amendment of Section 350 to Section 346 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 79, No. 7.

§ 347. Cheating.

NOTE: Authority cited: Section 4(b), Chiropractic Initiative Act of California. Reference: Section 4(b), Chiropractic Initiative Act of California.

HISTORY

1. Amendment filed 12-12-78; effective thirtieth day thereafter (Register 78, No. 50).
2. Renumbering and amendment of Section 347 to Section 344 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 79, No. 7.

§ 348. Failure to Appear for Examination.

An applicant for a license to practice chiropractic who fails to appear for examination within one year after being first qualifying therefor shall be considered to have abandoned his application and shall forfeit the license fee paid in connection therewith. If such person thereafter applies for a license, he shall be required to establish his eligibility for such license in the same manner as an original applicant in accordance with the provisions of the act and the regulations of the board in effect at the time the new application is filed.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code. Reference: Section 1000-5, Business and Professions Code.

HISTORY

1. Renumbering and amendment of former Section 348 to Section 345, and renumbering and amendment of former Section 351 to Section 348 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 79, No. 7.

§ 349. Interpretation of Section 6(d) of the Act.

(a) For applicants applying for licensure through June 30, 1996, the board makes the following interpretation of Section 6(d) of the Act which states:

"An applicant having fulfilled the requirements of Section 5 and paid the fee thereunder, and having obtained a diplomate certificate from the National Board of Chiropractic Examiners, may offer such certificate together with a transcript of grades secured in said national board examination, and the California Board of Chiropractic Examiners may accept same in lieu of all or a portion of the California board examination as determined by the board."

(1) To be considered by the board, proof of status with the National Board of Chiropractic Examiners must be submitted to the board's office in compliance with application instructions and postmarked on or before the final filing date designated by the board.

(2) Applicants with National Board status who fail the board examination, under the provisions of Section 346 must retake the entire written and practical examinations of the board.

(3) Effective January 1, 1996: Prior to being scheduled for the practical portion of the California board examination, the applicant must show proof of either National Board status or successful completion of the entire written portion of the California licensure examination.

(4) National Board status means attainment of passing scores on the National Board Parts I, II, III, and Physiotherapy examinations.

(b) For applicants applying for licensure on or after July 1, 1996, the Board makes the following interpretation of Section 6(d) of the Act which states:

"An applicant having fulfilled the requirements of Section 5 and paid the fee thereunder, and having obtained a diplomate certification from the National Board of Chiropractic Examiners, may offer such certificate together with a transcript of grades secured in said national board examination, and the California Board of Chiropractic Examiners may accept

same in lieu of all or a portion of the California board examination as determined by the board."

(1) To be eligible for the California Chiropractic Board examination, proof of status with the National Board of Chiropractic Examiners must be submitted to the board's office in compliance with application instructions and postmarked on or before the final filing date designated by the board.

(2) All applicants for licensure must show proof of National Board status, and successful scores for the California Chiropractic Board examination, which may cover California laws and regulations governing the practice of chiropractic, and/or other subjects as taught in chiropractic schools or colleges.

(3) Applicants who fail components of the California Chiropractic Board examination after two attempts must, under the provisions of Section 346, retake all of the California Chiropractic Board examination.

(4) The National Board of Chiropractic Examiners examination Parts I, II, III, IV, and Physiotherapy, and the California Chiropractic Board examination shall constitute the California board licensure requirement.

(5) National Board status means attainment of passing scores on the National Board Parts I, II, III, IV, and Physiotherapy examinations.

(6) The California Chiropractic Board examination means the examination developed by the Board of Chiropractic Examiners or an agency designated by the board. This California Chiropractic Board examination shall cover California laws and regulations governing the practice of chiropractic, and/or other subjects as taught in chiropractic schools or colleges, and must be taken after the candidate has graduated from chiropractic college.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10(a), Business and Professions Code. Reference: Section 1000-6(d), Business and Professions Code.

HISTORY

1. Repealer filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Renumbering and amendment of former Section 352 to Section 349 filed 7-30-87; operative 8-29-87 (Register 87, No. 32).
3. Amendment of second paragraph and subsection (a), new subsections (c)-(d) and amendment of NOTE filed 8-14-95; operative 1-1-96 (Register 95, No. 33).
4. Redesignation and amendment of first paragraph to subsection (a), subsection renumbering, amendment of newly designated subsection (a)(4) and new subsections (b)-(b)(6) filed 6-18-96; operative 6-18-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 25).

§ 350. Interpretation of Part of Section 6(c) of the Act.

NOTE: Authority cited: Section 4(b) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii). Reference: Section 6 of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii).

HISTORY

1. Amendment filed 1-4-77; effective thirtieth day thereafter (Register 77, No. 2). For prior history, see Register 76, No. 12.
2. Amendment filed 8-18-77; effective thirtieth day thereafter (Register 77, No. 34).
3. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
4. Amendment filed 2-15-79; effective thirtieth day thereafter (Register 79, No. 7).
5. Renumbering and amendment of Section 350 to Section 346 filed 7-30-87; operative 8-29-87 (Register 87, No. 32).

§ 351. Failure to Appear for Examination.

HISTORY

1. Renumbering and amendment of Section 351 to Section 348 filed 7-30-87; operative 8-29-87 (Register 87, No. 32). For prior history, see Register 80, No. 5.

§ 352. Interpretation of Section 6(d) of the Act.

NOTE: Authority cited: Section 4(b) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii). Reference: Section 6(d) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii).

HISTORY

1. New section filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Amendment of subsection (a) filed 2-5-80; effective thirtieth day thereafter (Register 80, No. 5).
3. Renumbering and amendment of Section 352 to Section 349 filed 7-30-87; operative 8-29-87 (Register 87, No. 32).

§ 353. Failure of the Examination.

HISTORY

1. New section filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Repealer filed 2-27-78; effective thirtieth day thereafter (Register 78, No. 9).

§ 354. Successful Examination.

Notwithstanding Section 312, applicants who are notified in writing by the Board of the successful completion of the Board examination, may immediately commence the practice of chiropractic in California pending the receipt of their certificate.

NOTE: Authority cited: Section 4(b) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii). Reference: Section 4(b) of the Chiropractic Initiative Act of California (Stats. 1923, p. lxxxviii).

HISTORY

1. New section filed 10-18-79; effective thirtieth day thereafter (Register 79, No. 42).

Article 6. Continuing Education

§ 355. Renewal and Restoration.

(a) Commencing with the renewal period for 1973, each licensee and each applicant for restoration of a license forfeited for failure to renew shall, as a condition to renewal or restoration of his license and in addition to paying the annual renewal fee of one hundred fifty dollars (\$150.00) or restoration fee of double the annual renewal fee as provided by section 12 of the Act (California Business and Professions Code section 1000-12), submit proof that he has completed within the past 12 months a course of continuing education approved by the board on a form (No. 09RA-1 (8/91) provided by the board titled Renewal Application. The Renewal Application as provided by the board will indicate the current year of renewal.

(b) In lieu of submitting the proof of completion of continuing education required under subsection (a) above, any such licensee or applicant may submit a statement, which shall be verified or certified under penalty of perjury, that he or she will not engage in the practice of Chiropractic within the State of California during the period for which renewal or restoration is sought unless he or she first completes an approved course of continuing education and submits proof thereof to the board; and that he or she understands that failure to do so will constitute grounds for the suspension or revocation of his or her license. A license that has expired for failure to renew may be renewed at any time within three years after the expiration date. If no application is received within three years, the Board shall cancel the license.

(c) To restore a cancelled license, the person must submit to the Board's office, in compliance with the application instructions, an application for restoration, pay a fee of twice the annual amount of the renewal fee, and provide evidence of Board-approved continuing education, as specified in California Code of Regulations, section 356, for each 12-month period in which the license was cancelled. Continuing education required to restore a cancelled license must be commenced and completed during the 12-month period immediately preceding the request for restoration.

(d) Licenses for doctors of chiropractic which heretofore expired on the last day of December each year will henceforth expire on the last day of the birth month of the licensee in each year.

To facilitate the conversion to the birthdate renewal system for doctors of chiropractic, licenses that expire on December 31, 1991 will be renewed for periods from seven (7) to eighteen (18) months. The fee to be paid shall be that determined by multiplying 1/12 of the renewal fee by the number of months of licensure in accord with the following schedule. All fees shall be rounded to the nearest whole dollar.

<i>Licensees Born In</i>	<i>Will Be Licensed for the Period</i>	<i>Months of Licensure</i>
January	January 92-January 93	13
February	January 92-February 93	14
March	January 92-March 93	15
April	January 92-April 93	16
May	January 92-May 93	17
June	January 92-June 93	18
July	January 92-July 92	7
August	January 92-August 92	8
September	January 92-September 92	9
October	January 92-October 92	10
November	January 92-November 92	11
December	January 92-December 92	12

This will be a one time reduction or increase, effective January 1992 all licenses will be annually renewed on a birthdate renewal system.

This subsection shall remain in effect until June 30, 1993, and on such date is repealed.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10(a), Business and Professions Code. Reference: Section 1000-12, Business and Professions Code.

HISTORY

1. New article 6 (sections 355 through 358) filed 1-31-72; effective thirtieth day thereafter (Register 72, No. 6).
2. Amendment of subsection (a) filed 5-26-88; operative 6-25-88 (Register 88, No. 23).
3. Amendment of subsection (a) and new subsection (c) filed 4-23-91; operative 5-23-91 (Register 91, No. 21).
4. Amendment of subsection (b), new subsection (c) and subsection relettering filed 3-19-2001; operative 4-18-2001 (Register 2001, No. 12).

§ 355.1. Continued Jurisdiction of a License.

The suspension, expiration, or forfeiture by operation of law of a license issued by the board, or its suspension, or forfeiture by order of the board or by order of a court of law, or its surrender without the written consent of the board shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee

upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii). Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. lxxxviii).

HISTORY

1. New section filed 12-6-2000; operative 1-5-2001 (Register 2000, No. 49).
2. Editorial correction restoring inadvertently omitted word (Register 2001, No. 3).
3. Amendment filed 7-7-2003; operative 8-6-2003 (Register 2003, No. 28).

§ 355.2. Inactive License.

A licensed chiropractor may apply to the board to request that his or her license be placed on inactive status. An inactive license shall be renewed during the same time period at which an active license is renewed. The renewal fee for a license in an inactive status shall be the same fee assessed for renewal of an active license. Licensees holding an inactive license shall be exempt from continuing education requirements.

The holder of an inactive license shall not engage in the practice of chiropractic during the time the license is inactive.

Licensees on inactive status who have not committed any acts or crimes constituting grounds for discipline may submit a written request for an active license and the following: