



CALIFORNIA STATE AUDITOR

Elaine M. Howle, State Auditor

FACT SHEET

Date: March 25, 2008

Report: 2007-117

The California State Auditor released the following report today:

State Board of Chiropractic Examiners

Board Members Violated State Laws and Procedural Requirements, and Its Enforcement, Licensing, and Continuing Education Programs Need Improvement

BACKGROUND

The State Board of Chiropractic Examiners (chiropractic board) was created in December 1922 through an initiative measure approved by the voters of California. In general, the chiropractic board is a policy-making and administrative review body consisting of seven members (board members)—five professional and two public members, each appointed by the governor. The board's paramount responsibility is to protect California consumers from fraudulent, negligent, or incompetent practices among providers of chiropractic care.

KEY FINDINGS

We reported numerous concerns about board members' actions and the chiropractic board's administration of its enforcement, licensing, and continuing education programs including:

- Board members violated some Bagley-Keene Open Meeting Act requirements.
- Board members invited ex parte communication and inappropriately inserted themselves into the enforcement process.
- Board members inappropriately delegated responsibility to approve or deny licenses to chiropractic board staff.
- The enforcement program has significant weaknesses:
 - Lack of standard procedures and management oversight resulted in unexplained and unreasonable delays in processing and resolving complaints and may have contributed to staff processing complaints inconsistently.
 - The chiropractic board's prioritization system for its complaint review process is seriously flawed. It frequently fails to designate complaints as having priority or process them promptly. Of 11 complaints we reviewed that should have been classified as having priority, only one received such a designation and staff took from one to three years to investigate and close nine, including the single case designated as having priority.
- The chiropractic board did not ensure that its designated employees, including board members, complied with the financial reporting requirements of the Political Reform Act.
- Although the chiropractic board has some effective regulations and processes to ensure the quality of continuing education, it does not follow them.

KEY RECOMMENDATIONS

- Continue to work with legal counsel to ensure compliance with applicable state laws and regulations.
- Establish benchmarks and more structured procedures for processing complaints.
- Establish a process to properly categorize complaints, promptly resolve them, and ensure that management monitors the status of open complaints.
- Ensure that its continuing education program complies with current regulations.

