

Demise of the California Board of Chiropractic

A GRAY DAVIS CONSPIRACY, OR LACK OF CAMPAIGN CONTRIBUTIONS?

Editorial Staff

The California Board of Chiropractic Examiners (CBCE) has essentially begun its last year of existence under California Governor Gray Davis. No, the CBCE hasn't been abolished by legislative action, it's just that Governor Davis has decided not to make any appointments to the board since he entered office more than three years ago. The terms of the last two remaining doctors of chiropractic on the CBCE expired on February 10, 2002. They are now serving under a one-year grace period.

With all the other problems California has undergone, one might conjecture that Gov. Davis is just too busy to appoint people to regulatory boards, however, he has made appointments to virtually every other health care board. Here is a partial list of the health board appointments made by the governor, along with the dates of the appointments:

- Acupuncture Board - two appointments: 8/16/99, 4/12/00, 11/13/00(2), 6/21/01
- Dental Board - two appointments: 3/7/00, 5/26/00
- Medical Board - 13 appointments: 6/9/00, 3/28/00, 4/7/00, 5/2/00(2), 6/1/00(2), 6/21/01(2), 10/5/01(4)
- Occupational Therapy Board - five appointments: 6/14/01(5)
- Osteopathic Board - four appointments: 3/17/00, 5/9/01(3)
- Pharmacy Board - five appointments: 3/10/00, 6/4/01(3), 1/3/02
- Physical Therapy Board - two appointments: 9/6/01(2)
- Respiratory Medicine Board - three appointments: 11/28/01(3)
- Veterinary Board - four appointments: 9/8/99, 6/14/01(3)

You'll note that Gov. Davis found the time to make 13 appointments to the California Medical Board, but he also managed to appoint two people to the Cow Palace Board of Directors (5/6/99, 12/8/00), and seven people to the Horse Racing Commission: 10/22/99(2), 11/9/00, 11/22/00, 2/23/01, 3/1/01, 1/2/02.

Governor Davis has held applications for the CBCE since the day he took office, but has not filled even one position.

On January 7, 2002, Senator Liz Figueroa (a fellow democratic of Gov. Davis) introduced California Senate Bill 1244, which specifically points to Davis' inability to appoint members to the CBCE, and

would empower the California Senate to appoint members should the governor continue to fail to act.

It appears to be no coincidence that the other health care boards previously mentioned are all under the umbrella of the California Department of Consumer Affairs (DCA). The CBCE used to be under the DCA, but moved out on its own when the DCA tried to restrict the CBCE's communication with the chiropractic profession. The CBCE had to file a lawsuit to leave the DCA at that time.

The DCA attempted to bring the CBCE under its authority last year in a series of political maneuverings that ultimately failed. The DCA is apparently so anxious to pull the CBCE under its control that it built a web page for the CBCE on the DCA website (http://www.dca.ca.gov/r_r/chiroprac.htm), which was subsequently taken down while this article was being written. The page presented the CBCE under the DCA banner, along with general information about the CBCE. The web page also included a functioning "Citizens Complaint Form."

This state of affairs caused many chiropractic leaders to speculate about the motives of Governor Davis.

- An informal poll suggests that there are no known doctors of chiropractic who have given significant amounts of money to Davis' political campaign. Could Davis' actions be in retaliation for lack of monetary support?
- Is it possible that the elimination of the CBCE members is setting the stage for a massive appointment of an entirely new board, one willing to place the CBCE under the thumb of the California Department of Consumer Affairs? If so, is it Governor Davis' ultimate intent to change chiropractic's scope of practice?
- Does Governor Davis just not like doctors of chiropractic, and is therefore unwilling to focus any of his attention on anything this profession needs?

Two phone calls were made to Jane Crawford, Gov. Davis' deputy appointment secretary, in an effort to get a statement regarding the lack of chiropractic appointments. Not surprisingly, these phone calls have not been returned at press time.

According to former CBCE Chair Lloyd Boland, DC, the potential dangers of having a gutted board are many:

"The primary concerns are the regulatory issues that come before the board that the board is currently unable to address. This prevents the board from updating the current Chiropractic Act, and leaves the profession without DCs to address other regulations that may affect the practice of chiropractic.

"Chiropractic in California is currently in the 'sunset review' period. Without DCs on the board, the legislators don't have the opportunity to hear from chiropractors on issues relating to the licensure and regulation of chiropractic.

"Currently, every disciplinary action by the board must go through the administrative hearing process. This takes the case from before fellow doctors of chiropractic and forces all DCs into the court system before an administrative law judge. This not only costs the board excessively, but the DC involved has to pay much greater attorney fees. In addition,

this doesn't allow the DC involved to seek a settlement before their peers. This also prevents the judge's decision from being reviewed by the board and modified as appropriate."

While the reasons behind this situation remain shrouded, the facts are all too clear. The CBCE has been gutted by the deliberate inaction of Governor Davis to the extent that it has been unable to serve the profession since July 2001. The situation has now escalated to the point that the last remaining DCs are technically no longer on the CBCE. Governor Davis' efforts (or lack thereof) have turned a CBCE of five chiropractors and two public members into a chiropractor-less CBCE, unable to protect the public or participate in the growth of the third largest health profession in the nation's most populous state.

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